

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #243 (2004-2005)

May 9, 2005

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT

SUBJECT: REVISION TO SCHOOL BOARD POLICY: SECTION 450
STUDENT RIGHTS AND RESPONSIBILITIES (FIRST READING)

RECOMMENDATION:

It is the recommendation of the Administration that the School Board adopt the recommended policy changes for School Board Policy 450 -452, Appendix A, and Appendix A-1.

PERTINENT FACTS:

The Policy subcommittee has taken several months to conduct a proposed rewrite of the student rights and responsibilities policies. The subcommittee and other participants reviewed several drafts of the proposed policies. Participating in this process were District central building administrators, representatives from the Anchorage Principals' Association, and many site level principals and assistant principals. The proposed policy revisions were circulated to MECC, PTA, SROs, and all the principals with a request for comments. Comments were received from principals, assistant principals, and MECC.

Revisions:

Many of the changes to the proposed policies represent grammatical revisions. There are changes made for clarification of both content and format. There are numerous notes added to clarify sections of the policy. References to specific laws were also moved to note fields so those can be changed as the laws change without action of the Board.

Substantive revisions to the proposed policies include the following:

- 450.3 - This section was added to direct the Superintendent to implement procedures to ensure the distribution and dissemination of the Student Rights

and Responsibilities document and the information contained therein that are grade/division appropriate.

- 451 - The former heading was revised and language added to reflect the individualized nature of discipline sanctions and to emphasize the professional judgment of the principal in making decisions related to student discipline.
- 451.3 - The section, Drug/Alcohol, was moved to Appendix A, Rights and Responsibilities.
- 451.5 - The section, Assaults Upon Teachers, was moved to Appendix A, Rights and Responsibilities.
- 451.6 - The section, Weapons, was moved Appendix A, Rights and Responsibilities.
- There are additions throughout Appendix A and Appendix A-1 in response to suggestions from the Disability Law Center as modified by the District's legal counsel. Many of the reminders about the special rights of students with identified disabilities are included in text boxes throughout the document.
- Throughout Appendix A there are changes to the format to make the document more user friendly.
- In Appendix A (p. 1) there were changes to the Preamble to make it easier to read, and there was a repeat of the "Disciplinary Actions" section from 451 as Appendix A is also printed as the Rights and Responsibilities document, and this section needs to be emphasized therein.
- In Appendix A (p. 1) the Due Process section was changed in format and language to make the section more clear and more user friendly.
- In Appendix A (p. 2) the Non-Discrimination clause was added as a separate section.
- In Appendix A (p. 2) the clarification of the jurisdiction section stipulates that the District should not exercise jurisdiction when the student conduct has "little or no actual or likely effect on the school community."

- There are changes of some category headings throughout Appendix A to make them consistent with Student Management System (SMS) suspension categories.
- 1. Accessory to an Act (p. 3) - Language was added to discourage attending/encouraging fights and to encourage reporting.
- 3. Assault (p. 3) - This category was added to support current practice as well as No Child Left Behind reporting requirements.
- 9. Dangerous Actions (p. 3) -This category was added to mirror SMS categories for suspension.
- 11. Discrimination/Harassment (p. 4)-“Bullying” was added to this section to reflect practice and SMS categories.
- 12. Drug/ Alcohol (p. 6) - This policy was moved here from section 451.3 and was revised to include a three-year “look back” for cumulative violations. Violations for over-the-counter and prescription drug offenses have been moved to a separate section not subject to the sanction policies of drugs/alcohol.
- 21. Forgery (p. 8) -“Cheating” was added to this section to match SMS suspension codes, and language was added prohibiting cheating.
- 22. Fighting (p. 8) - This section is now “Fighting and Physical Violence” as “Assault” is in a separate section. These are separate categories in SMS and for NCLB reporting. There is the addition of language regarding relative force under the “self-defense” heading. An “intervention” section has been added due to the fact that the “third man in” often turns what may have been a simple altercation into a much more serious event
- 25. Internet/E-mail/Network/Computer Misuse section (p. 9) - This section was added to align the policy to current practice.
- 32. Threats (p.10) - This section was added to align the policy to practice and to NCLB requirements.
- 33. Trespass (p.10) - This section was revised to clarify when students can and cannot be on other schools’ campuses.
- 35. Weapons and Firearms (p. 11) - This section was moved from the 450s.

- 36. The “Failure to Follow the Rules” (p. 12) section was collapsed into the “Willful Disobedience” section to avoid unnecessary repetition.
- Search and Seizure (p. 12) - This section was revised to add clarifying language regarding the level and type of the search. There is an addition of an “administrative search” section (p. 14) to align with the practice of searches during periods of elevated concern such as cars at dances and bags/backpacks the last days of school.
- Section A “Student Behavior/Prohibited Conduct” and Section B “Search and Seizure” are now followed by Section C “Types of Sanctions/Disciplinary Actions”, Section D, “Hearing and Appeal Procedures”, Section E, “Freedom of and Responsibilities Relating to Speech and Assembly”, and Section F, “Student Surveys.” The order of the sections was changed to be more logical.
- “Types of Sanctions and Disciplinary” Actions (p. 14) has been reformatted with some language clarification to make the section more user friendly to parents and students. A specific note (p. 15) regarding information for students with disabilities was added to assist parents and principals in dealing with sanctions for students with disabilities. An emergency suspension category (p. 18) has been added to align the policy with practice.
- “The Hearing and Appeal Procedures” (p. 19) section was reformatted to make the document more user friendly to parents and students. There were also some minor clarifications regarding the appeal process. Language has been added to clarify that the hearing officer can consider the evidence and then recommend to uphold, reverse, or modify the suspension or expulsion.
- “Freedom to Publish” section (p. 23) has been changed to “Written Material and Electronic Media.” Language was added to clarify that the principal has the right to a pre-distribution examination of published materials
- Appendix A-1 details specific language regarding additional rights and processes afforded students with disabilities. The language in this section is consistent with special education law, IDEA 2004, and has been reviewed by the District’s legal counsel.
- At the April 28, 2005 policy subcommittee meeting, the vice-chair, Atisa Logo of M.E.C.C. presented M.E.C.C.’s request to have the policy subcommittee ensure that the Student Rights and Responsibilities document is more user friendly in terms of readability and format for families in which English is a second language. Ms. Logo was asked by the subcommittee to work with M.E.C.C. to draft revisions to proposed policy. One member of M.E.C.C.,

Helen Sharrat, submitted a draft proposal on May 23, 2005, which is attached to this memo.

CC/JC/RG

Attachments Current Policy
 Current Appendix A
 Proposed Policy
 Policy Appendix A and Appendix A (1)
 Proposed Policy from M.E.C.C. member

Prepared by: Jan Christensen, Assistant Superintendent, Instruction
 Rhonda Gardner, No Child Left Behind Coordinator

Approved by: Carol Comeau, Superintendent

~~450—Student Rights and Responsibilities~~

~~450.1 Statement of Rights and Responsibilities~~

~~The ASD Statement of Rights and Responsibilities constitutes School Board Policy on matters pertaining to student rights and responsibilities. In any case of conflict between the Statement of Rights and Responsibilities and any other District policy or procedure, the Statement of Rights and Responsibilities shall take precedence unless specifically limited by such other Board policy.~~

~~450.2 Copy of Statement of Rights and Responsibilities~~

~~A copy of the Statement of Rights and Responsibilities shall be made available to each staff member and each certificated employee at the start of each school year.~~

~~(Section 450 -- Revised June 14, 1993)~~

~~451—Suspensions and Expulsions~~

~~451.1 Suspensions~~

~~The Superintendent and/or the principal has the power to suspend students for sufficient reason. These suspensions include in-house and out-of-school suspensions. Special attention will be given to the development of procedures appropriate to elementary, middle level, and senior high students. All suspensions shall be accomplished pursuant to the procedures in the Statement of Rights and Responsibilities. (See Appendix A)~~

~~451.2 Expulsion~~

~~Students may be expelled only upon action by the School Board. The grounds for expulsion are as provided in A.S. 14.30.045. Expulsions may be accomplished only in accordance with the procedures established in a Statement of Rights and Responsibilities. A minimum expulsion time may be set by the Board for incidences involving weapons or violence.~~

~~(Section 451.2 -- Revised January 12, 1998)~~

~~451.21 Programs for Long-Term Suspension or Expelled Students~~

~~The School Board may establish or approve, in its discretion, a program or programs to provide educational instruction and other services, as it deems appropriate, to students who have engaged in conduct that has resulted in long-term suspension or expulsion from their current program. The School~~

~~Board shall establish eligibility criteria for participation by any student in any such program.~~

~~(Section 451.21 — Approved June 11, 2001)~~

451.22 Return from Expulsion

~~A letter of application must be submitted for reinstatement. It must include evidence of completion of the requirements for readmittance that were stated in the expulsion letter from the Board. It must also include a statement from the student as to why he/she wants to return and what he/she has learned from this experience. The administration may set additional conditions and requirements prior to consideration for reinstatement. The parent/guardian and the student requesting reinstatement will be required to meet with the Superintendent or designee for a formal reinstatement discussion prior to reinstatement. The Superintendent or designee will determine appropriateness of reinstatement and school placement. Upon re-admission, written conditions related to placement and attendance will be formulated. Continued permission to attend school will depend on adherence to these written conditions.~~

~~Students who have been expelled from the Anchorage School District educational program will be readmitted only by action of the School Board.~~

~~(Section 451.21 — Revised May 19, 1997)~~

~~(Section 451.21 — Approved as Section 451.22 — June 11, 2001)~~

451.3 Drug/Alcohol

~~Appropriate disciplinary action shall be taken against any student who is determined to have been in possession of, or to have used, drugs or alcohol in violation of Anchorage School District policy. The procedures provided by the school district's Statement of Rights and Responsibilities shall be observed.~~

~~a. — While under the jurisdiction of school, students who engage in any of the following proscribed activities shall be subject to suspension and/or expulsion:~~

~~1. — Actual or attempted sale, use, or possession of alcohol, non-prescribed inhalants, illegal drugs, substances designed to look like illegal drugs, substances purported to be illegal drugs, or drug paraphernalia.~~

~~2. — Misuse or attempted misuse of prescribed or over-the-counter medications.~~

~~c. — Students who engage in the activities listed in 451.3.a while off campus and who return to the school grounds or to District/school-sponsored activities will be subject to suspension and/or expulsion.~~

~~d. — Students who violate the above drugs/alcohol policies are subject to arrest. Disciplinary action shall be taken by the school regardless of whether or not criminal charges or prosecution result.~~

~~e. — Sanctions for violation of the drug/alcohol policy as specified in Sections 451.3.a are as follows:~~

~~1. — First offense for use or possession:~~

~~a) Ten (10) days suspension from school.~~

~~b) Referral to the Drugs/Alcohol Suspension Program. Students may reduce their suspension to five (5) days by meeting specific criteria for the program.~~

~~c) Required parent/guardian and student conference with the school principal or designee prior to readmission to school.~~

~~2. — Each subsequent offense for use or possession will result in a recommendation to the School Board for expulsion from the Anchorage School District.~~

~~3. — First and any subsequent offense for sale or attempted sale will result in a recommendation to the School Board for expulsion from the Anchorage School District.~~

~~4. — At its discretion, the School Board may offer a program to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion from their current program. The Board shall establish eligibility criteria for participation by any student in any such progra~~

~~e. — Students who have been suspended will be denied participation in other District/school-sponsored activities during any period when the suspensions are in effect, and for such additional periods as are deemed appropriate in each individual case.~~

~~f. — Drug Paraphernalia — (*21-USCA 863)~~

~~g. — (1) — The term "drug paraphernalia" means any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under this subchapter.~~

~~(*21-USCA 863 refers to Title 21. Food and Drugs; Chapter 13: Drug Abuse Prevention and Control; Subchapter I: Control and Enforcement; Part D Offenses and Penalties.)~~

~~(Section 451.4 — Revised June 28, 1996)~~

~~(Section 451.4 — Approved as Section 451.3 — June 11, 2001)~~

~~(Section 451.3 — Revised June 10, 2002)~~

~~451.4 Suspension or Expulsion of Special Education Students~~

~~The Superintendent shall establish uniform procedures which insures the right of special education students to an appropriate education when special education students are suspended or recommended for expulsion.~~

~~(Section 451.5 — Approved as Section 451.4 — June 11, 2001)~~

~~451.5 Assault Upon Teachers~~

~~Assault of teachers by students is prohibited and will result in suspension and/or a recommendation for expulsion.~~

~~(Section 451 — Revised June 25, 1984)~~

~~(Section 451.6 — Approved as Section 451.5 — June 11, 2001)~~

~~451.6 Weapons~~

~~a. — Any student who is determined to have brought a weapon as defined in section 921 of title 18, United States Code, or the Anchorage School District's Rights and Responsibilities Document, to a school, or a school related activity, will be expelled from school for a period of not less than one year.~~

~~Under federal law, "weapon" is defined as any weapon which will or is designed to or may readily be converted to expel a projectile by action of an explosive, the frame or receiver of any such weapon, any firearm muffler or firearm silencer or destructive device. "Destructive device" means any explosive, incendiary or poison gas, bomb, grenade, rocket or missile.~~

~~In addition, a weapon is defined in the Anchorage School District's Rights and Responsibilities Document as follows: weapons include, but are not limited to, firearms, pellet guns, stun guns, shockers, knives, clubs, brass knuckles, numchuks, and throwing weapons.~~

~~The procedures provided by the District's Statement of Rights and Responsibilities shall be observed. Disciplinary action shall be taken by the school administrator regardless of whether or not criminal charges or prosecution result.~~

~~b. — The Superintendent, on a case-by-case basis, may determine whether an expulsion for less than one year is appropriate. This modification may~~

~~include removal from the student's present school setting and a placement in an alternative educational setting and/or program.~~

~~c. — Reinstatement of the student to a school program will only be recommended by the Superintendent to the School Board after the student has met the conditions of reinstatement as follows: The student must submit a letter of application for reinstatement to the Superintendent that includes a statement from a forensic psychologist that the student will not pose a danger or threat to students or staff while attending classes or other school-sponsored activities.~~

~~d. — After a full review of the reinstatement application, the Superintendent will make a recommendation to the School Board as to whether to reinstate the student and under what specific conditions the student may be reinstated.~~

~~e. — In the case of students receiving special education services, a Multidisciplinary Team meeting must be held to determine if the specific behavior is related to the student's disability. If the behavior is determined not to be related to the disability, then the one-year expulsion requirement will be followed. If the student's behavior is related to the student's disability and, therefore, the student cannot be expelled, then an Individual Educational Plan (IEP) team should meet to determine appropriate services. An IEP meeting must be held to determine how the student's special education needs as identified in their Individual Educational Plan will be met in an alternative setting.~~

~~f. — The District must provide the following assurances to the state of Alaska Department of Education in any application for funds from the act commonly called "Goals 2000" (Public Law 103-227, Part B):~~

~~g. — (1) An assurance that the District has a policy in effect relating to a one-year minimum penalty of expulsion for the act of bringing a weapon to a school or school-related activity.~~

~~(2) A description of the circumstances surrounding any expulsions imposed under the required policy, to include: the name of the school, the number of students expelled from such school, and the types of weapons concerned.~~

~~(Section 451.7 — Approved September 26, 1994)~~

~~(Section 451.7 — Approved as Section 451.6 — June 11, 2001)~~

452 — Student Handbooks

~~In addition to the rights and responsibilities denoted in the Statement of Rights and Responsibilities, each school unit also issues a student handbook which contains rules and regulations governing conduct in that school. A copy of the student handbook shall be made available at the start of each school year to each student and certificated employee at that school, and the material in each handbook shall have the force and effect of Board Policy. Each student handbook shall be submitted periodically to the School District Attorney to assure compliance and consistency with existing Board Policy.~~

~~In addition to providing a copy of the student handbook to students each year, the staff at each school shall conduct a program to review and/or teach rights and responsibilities, including expectations, rules and consequences, to students annually.~~

~~(Section 452 Revised September 12, 1983)~~

Appendix A -- Statement of Rights and Responsibilities

~~Last updated: August 2004~~

~~The Anchorage School District Statement of Rights and Responsibilities constitutes School Board policy on matters pertaining to students' rights and responsibilities. In any case of conflict between the Statement of Rights and Responsibilities and any other District policy or procedure, the Statement of Rights and Responsibilities shall take precedence unless specifically limited by such other Board policy.~~

Due Process

~~The constitutional rights assured to individuals includes the guarantee that no person shall be deprived of life, liberty or property without due process of law. Students are recognized as "Persons" under the constitution and a system of constitutionality and legally sound procedures has been developed for the administration of discipline in the schools.~~

- ~~1. The hallmark of the exercise of disciplinary authority shall be fairness.~~
- ~~2. Before the imposition of a disciplinary action, a student shall be given an opportunity to contest any alleged facts leading to the proposed disciplinary action and to present his or her version of the facts.~~

Preamble

- ~~1. A primary responsibility of the District and its professional staff shall be the development of an understanding and appreciation of our~~

representative form of government, the rights and responsibilities of the individual and the legal processes whereby necessary changes are brought about.

2.——The school is a community and the rules and regulations of the school are the laws of that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. Among the responsibilities of school citizenship are respecting the laws of the community and the rights of other citizens and contributing to the fulfillment of educational purposes through cooperative conduct.

3.——Young people in the United States have the right to receive a free public education, and deprivation of that right may occur only for just cause in accordance with due process of law.

4.——Students have the rights of citizenship as defined in the United States Constitution and its amendments; and these rights may not be abridged, obstructed or in other ways altered except in accordance with due process of law. The First and Fourteenth Amendments to the Constitution of the United States prohibit states from unduly infringing upon the rights of speech and expression. In the school setting this restriction on state action limits the manner and extent to which schools may regulate the speech and expression of students. In order to curtail First Amendment rights, school authorities must show that the failure to do so would create a material and substantial disruption of school work and discipline.

5.——Administrators and teachers also have rights and duties. The teacher is required by law to maintain a suitable environment for learning, and administrators have the responsibility for maintaining and facilitating the educational program.

6.——The principal, or his or her designee, is authorized to recommend expulsion, and to suspend or discipline students for cause. The teacher has the authority to temporarily remove students from a class or discipline students for cause. The following rules, regulations and due process procedures are designed to protect all members of the educational community in the exercise of their rights and duties.

Students Experiencing Disabilities

Services: The Anchorage School District provides comprehensive educational services through the Special Education Department to all eligible children ages 3-21 who experience disabilities and have additional needs beyond those which generally can be met by the regular classroom program. A student may qualify for services under two federal laws, the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act. The special

education programs for these children are cooperatively developed by an Individualized Education Plan Team including the parent as a contributing member of the team. These teams make every effort to provide an appropriate special education program to meet the unique needs of each eligible child in a setting in his/her regular classroom or other appropriate placement. In addition to providing the necessary special education services, related services such as speech therapy, which may be necessary to the student's school success, are provided as an integral part of the child's school program. The Anchorage School District also provides an individualized education plan for each gifted student as appropriate. For more information regarding evaluation and eligibility for special education or gifted services, your rights under federal and state law, or other programs serving individual needs, please contact the Anchorage School District Special Education Department or your school principal.

Discipline: This Statement of Rights and Responsibilities will be enforced fairly and uniformly without regard to race, ethnicity, national origin, sex, or disability. Students with disabilities are subject to the same grounds for discipline which apply to students without disabilities. However, students with suspected or identified disabilities may have additional rights relating to discipline and continuing services. The scope of these rights vary depending upon the nature of the violation of school rules and the specific discipline proposed. The policies set forth in this Statement of Rights and Responsibilities will not restrict the rights to which students with disabilities may be entitled under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or any modifications to the District's disciplinary rules which are set out in individualized educational or behavioral plans. If you are a student with disabilities who is subject to discipline, and the discipline proposed entitles you to certain rights and procedures under the disability laws, a copy of these additional rights will be provided to you and your parents. You may also obtain a copy of these rights from the Anchorage School District Special Education Department or your school principal. (Adopted — 6/14/99)

Jurisdiction

The following rules apply on campus, at school activities on and off campus, on school buses and at school bus stops. School jurisdiction also applies to acts which start on school campus and are completed off campus, or to acts which begin off campus and continue on campus, including acts that occur while coming either to or from school. In addition, criminal acts which occur completely off campus but which have direct or immediate effect either on school decorum or the welfare, safety or morals of students fall within the jurisdiction of the school. AS 14.30.045. (Revised 6/14/99)

Rights, Responsibilities and Limitations

Any conduct prescribed by the following statement of rights, responsibilities and limitations shall be subject to appropriate corrective action from simple discipline to expulsion. No system of rules can provide for every situation and the District may prohibit and discipline other offenses not specifically addressed which interfere with the education or safety of students.

A. Student Behavior / Prohibited Conduct

1. ~~Accessory to an Act~~

~~Students may not act as an accomplice or in any way aid, assist, or sanction the preparation, instigation, commission or aftermath of a punishable act.~~

~~Students with knowledge or information regarding potential criminal or violent acts to be committed at school should immediately report such information to a teacher, counselor, school administrator, or other school employee.~~

2. ~~Arson~~

~~Students may not intentionally or negligently damage or attempt to damage property by the setting of fire, the causing of an explosion, or the attempted starting of a fire or explosion.~~

3. ~~Attempt~~

~~A student is subject to discipline for his or her attempt to commit a punishable act, even if that attempt was not ultimately completed or successful.~~

4. ~~Attendance~~

~~Daily attendance of all who are enrolled in the District schools is required in accordance with municipal and state law and School Board rules. Students will attend regularly scheduled classes unless officially excused.~~

5. ~~Before and After School Restrictions~~

~~Schools cannot permit students to remain on school grounds before or after the regular school day unless those students are directly involved in a supervised, sanctioned school activity. Students must arrive at school and be picked up from school at times established by the principal. Students who are on school property at an unauthorized time may be trespassing.~~

6. ~~Cooperation with School Personnel~~

~~Students must obey the lawful instructions of all school district personnel. Refusal to comply with a reasonable request by a staff member is willful disobedience and is prohibited.~~

~~7. — **Criminal Acts**~~

~~The commission of, or participation in, any criminal activity while under the jurisdiction of the school is prohibited. Criminal acts are defined in detail under the laws of the State of Alaska. Disciplinary action may be taken by the school regardless of whether or not criminal charges or prosecution result. The District may find a violation of District policy and is not bound by the criminal elements of a specific crime as identified in state law. A student convicted of a felony, whether or not committed while under the school's jurisdiction, may be suspended or denied admission if the attendance of the student is determined to be detrimental to the welfare or education of other pupils.~~

~~8. — **Dangerous or Disruptive Materials/Objects**~~

~~Materials or objects that jeopardize the safety and/or welfare of people under school jurisdiction, or which disrupt the educational mission, are prohibited. These include Mace, pepper spray, bear spray, chemicals or chemical products, caps, bullets, laser pens or pointers, and other potentially dangerous or disruptive items.~~

~~9. — **Discrimination and Harassment**~~

~~The Anchorage School District affirms the right of all students and employees to pursue their education or occupation with dignity in a safe environment. It is the policy of the District to maintain a learning and working environment that is free from discrimination, harassment, hazing, and related violence. A learning environment must be structured to reflect diverse cultural traditions and contributions. The District has zero tolerance for any behaviors that ridicule, harass, intimidate, or otherwise threaten students, staff, or community members. Discrimination and harassment of employees and students will not be tolerated in the School District. School District includes School District facilities, School District premises, and non-school property if the student or employee is at any school-sponsored, school-approved, or school-related activity or function, such as field trips or social and athletic events where students are under the control of the School District or where the employee is engaged in school business.~~

~~The District will investigate all complaints, either formal or informal, verbal or written, of discrimination, and/or harassment. The District will discipline any student or employee who discriminates against or harasses a student, employee, or community member.~~

~~A false or frivolous accusation made under this policy shall result in disciplinary action.~~

~~a. — Discrimination and Harassment Defined:~~

~~**Discrimination:** Discrimination is the display of partiality or prejudice towards others.~~

~~**Harassment:** Harassment is a single act or course of conduct directed toward an individual or group that serves no legitimate purpose other than to annoy, alarm, torment, or abuse that person or group.~~

~~An individual will be in violation of this discrimination and/or harassment policy if he or she:~~

~~(1) Makes demeaning remarks directly or indirectly, such as name-calling, racial slurs or "jokes"; or~~

~~(2) Physically threatens or harms an individual; or~~

~~(3) Displays visual or written materials or defaces, damages, or destroys property or materials; or~~

~~(4) Performs any other act that is clearly discriminatory or harassing in nature;~~

~~because of the person's race, creed, gender, national origin, age, marital status, political or religious beliefs, physical or mental conditions, family, social, or cultural background, or sexual orientation.~~

~~**Sexual Harassment:** Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:~~

~~(1) Submission to that conduct or communication is made a term or condition, either expressed or implied, of obtaining or retaining employment or of obtaining an education; or~~

~~(2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an individual's employment or education or participation in other school activities; or~~

~~(3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.~~

~~Examples of sexual harassment include, but are not limited to, the following:~~

~~* — verbal harassment or abuse;~~

- ~~* subtle pressure for sexual activity;~~
- ~~* inappropriate patting or pinching;~~
- ~~* intentional brushing against a student's or employee's body;~~
- ~~* demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;~~
- ~~* any sexually motivated unwelcome touching; or~~
- ~~* sexual violence which is a physical act of aggression that includes a sexual act or sexual purpose.~~

~~b. Reporting Procedures~~

~~Students who believe they have experienced an act of harassment and/or discrimination by another student or an employee should report the matter immediately to a staff member. The school principal or designee shall investigate the issue and advise the EEO Office. In addition, the students may also report the incident to the EEO Office directly or to an outside agency, i.e., the Municipality of Anchorage Equal Rights Commission, an Ombudsman, the State of Alaska Human Rights Commission, the U.S. Equal Employment Opportunity Commission, or the office for Civil Rights. (Discrimination & Harassment Section Revised 6/25/01.~~

~~10. Disruptive Conduct~~

~~Disruptive behavior and or appearance which interferes with the normal school program, the educational process, or the lawful activities of others is prohibited.~~

~~11. Drugs and Alcohol~~

~~The actual or attempted sale, use, or possession of alcohol, illegal drugs or inhalants, drug paraphernalia, substances designed to look like illegal drugs or alcohol, or substances purported to be illegal drugs or alcohol, while under the jurisdiction of the school is prohibited. The sale or misuse of prescription drugs or look-alike prescription drugs is also prohibited. Students who engage in these activities off campus and who then arrive at or return to school or school sponsored activities will be subject to suspension and/or expulsion. A student is also subject to suspension/expulsion if the student stops off campus on the way to or from school, or leaves campus during the day, and sells, trades, gives, or attempts to sell, trade, or give prohibited drugs/alcohol or substances purported to be drugs/alcohol.~~

~~*Cumulative Nature of Violations:* A violation of the drug/alcohol policy will constitute a prior offense which will carry over from year to year and will subject the student to greater discipline for a later violation. This rule applies as follows. Violations will constitute prior offenses which will carry over from year to year in grades kindergarten through six. Upon completion of grade six, violations occurring while in elementary school will no longer be treated as prior offenses. Violations of the drug/alcohol policy in grades seven~~

through twelve will constitute prior offenses which carry over from year to year, subjecting the student to greater discipline for later violations.

12. ~~Excessive Display of Affection~~

~~Students may not engage in excessive displays of affection.~~

13. ~~Extortion or Blackmail~~

~~Obtaining money or property by violence, threats of violence, untrue accusations, or public ridicule is prohibited.~~

14. ~~Failure to Identify Self~~

~~All students in school buildings, on school grounds, or at school sponsored events must, upon request, identify themselves to authorized school district personnel or their designee. This includes identification of the student's correct name, address, and parent contact number.~~

15. ~~Failure to Follow Rules~~

~~All students must comply with applicable rules. This includes, but is not limited to, classroom rules, rules for appropriate bus conduct, rules for use of the Internet and email, and rules for extracurricular activities and athletics.~~

16. ~~False Alarm / Bomb Threat~~

~~Activating a false alarm or tampering with the fire alarm system is prohibited. This includes bomb threats and other threats of harm.~~

17. ~~False Information (False Witness)~~

~~The presentation of information or testimony (oral or written) that is misleading, or a misrepresentation of facts, or an actual attempt to defraud, lie, or cheat is prohibited.~~

18. ~~Forgery or False Impersonation~~

~~Students may not make, alter, or possess a false or forged document. Students may not assume a false identity with the intent of deceiving school personnel, other students, or members of the community, or in connection with any school district activity or function.~~

19. ~~Fighting~~

~~Fighting is defined as a verbal or physical threat, instigation of violence, or actual violence in which striking, kicking, shoving, pushing and/or any other physical violence is used against another person. When two or more students~~

~~are involved in any verbal or physical altercation, all parties may be subject to suspension. Active participation in a fight will result in suspension even if the second party can be demonstrated to have started the fight.~~

~~*Self-Defense:* A student may claim self-defense only if the student acted under a reasonable belief that a defensive action was necessary to avoid injury and there were no other alternatives available, including reasonable means of assistance or retreat. The student must use the minimum force necessary to escape injury. Self-defense cannot be claimed if the harm caused by the self-defense is disproportionate to the harm avoided. A student who was the initial aggressor or who provoked the other student's conduct may not claim self-defense.~~

~~20. — **Fireworks/Explosives**~~

~~The possession and/or use of explosives and/or incendiary devices on school property is prohibited.~~

~~21. — **Inappropriate Sexual Behavior**~~

~~Inappropriate sexual behaviors are prohibited. This includes, but is not limited to, depanting, attempting to depant a student, indecent exposure, and entering an opposite sex locker or restroom facility.~~

~~22. — **Littering**~~

~~It is the shared responsibility of all building occupants to maintain the appearance and safety of the facility.~~

~~23. — **Obscenity/Profanity**~~

~~Students are to use discretion in their choice of language. Profane and/or inappropriate language and/or gestures will not be tolerated. Prohibited language includes spoken or written profanities and obscene or sexual messages (implicit or explicit).~~

~~24. — **Prohibited Organizations and Groups**~~

~~a. — Groups which initiate, advocate, or promote activities which threaten the safety or well being of persons or property at school or at school activities are determined to be detrimental to the educational program of the school are prohibited. Apparel, jewelry, accessory or grooming which implies or indicates that a person is a member of a prohibited group is prohibited at school and at school activities.~~

~~b.——Participation in activities such as initiation, hazing, intimidation or activities designed to create group affiliation that can cause bodily danger, physical harm or mental or emotional harm, are prohibited.~~

~~c.——Persons who display symbols of prohibited groups or who participate in activities identified with prohibited groups or who participate in activities which intimidate another student are subject to disciplinary action.~~

~~d.——Groups that behave in the manner described in this section will be defined as gangs. Gang behavior is prohibited at school and school activities~~

~~5.——Radios, Tape Decks, Toys, etc.~~

~~The hall lockers are not secure enough to store portable radios, walkmans, tape recorders, beepers, cellular phones, play back devices, TV sets, or CD players. They are not allowed at school except upon prior approval of the principal. Additional restrictions may apply at your school to the possession or inappropriate use of frisbees, hackysacks, skateboards, basketballs, and other toys/game equipment.~~

~~6.——Reckless or Unsafe Behavior~~

~~Actions that jeopardize the safety and/or welfare of others are prohibited.~~

~~7.——Theft/Robbery~~

~~Theft, attempted theft, or possession of stolen property by students will result in sanctions. Stealing from another by force or threat of force is prohibited.~~

~~8.——Smoking/Tobacco~~

~~Use, sale, or possession of tobacco in any form by students while under the jurisdiction of the school is prohibited.~~

~~9.——Trespass~~

~~A student may be considered to be trespassing if he/she enters or remains on school property or school sponsored activities without permission. Any student suspended or expelled from ASD is not allowed on any school property or at any school activity on or off school property.~~

~~10.——Vandalism/Destruction of Property~~

~~Removing, misusing, destroying, defacing, or mutilating objects or materials belonging to the school, school personnel, or other persons is prohibited.~~

~~11.——Weapons and Firearms~~

~~Weapons and firearms: Students shall not carry on their person, or place anywhere on school property, or in the vicinity of a school sponsored event, any firearms or other weapons, except as assigned to students for, and used during, a regular course of instruction. However, if in a regular course of instruction or during an authorized activity, a weapon is used in an unauthorized manner, the student will be in violation of this provision. Students found with any firearms* while subject to the jurisdiction of the school are subject to expulsion and arrest. Students found with weapons, or look-alike weapons of any kind, while subject to the jurisdiction of the school are subject to suspension or expulsion, and arrest.~~

~~Weapons include, but are not limited to, firearms*, pellet and BB guns, air guns, spring guns, zip guns, stun guns, shockers, bombs or other explosives, poison, dangerous or deadly gas, slingshots, bludgeons, throwing stars, knives, clubs, brass knuckles or artificial knuckles of any kind, numchucks and throwing weapons.~~

~~* A "firearm" is defined as: (1) any weapon (including a starter gun) which will or is designed to, or may readily be converted, to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. A "destructive device" is an explosive, incendiary, poison gas, bomb, grenade, rocket, missile, or any other similar device. 18 U.S.C. § 921.~~

~~12. — Willful Disobedience~~

~~Students may not refuse or fail to comply with a reasonable request by staff.~~

B. Search and Seizure

~~The following rules shall apply to search and seizure pertaining to students and school property assigned to them (e.g., lockers, desks):~~

~~a. — All searches, based on individualized suspicion described in this section, should take place in the presence of the student and a third person, if each, respectively, can be located. The search will be conducted in a respectful, organized manner which shows respect for the student and their possessions.~~

~~b. — Lockers and desks:~~

~~**Random Searches:** The school administration retains control over lockers and desk space loaned to students. The District retains the right to conduct random searches of student lockers or desk space at any time. All lockers and/or desks may be searched, or a smaller number chosen by random selection may be searched. Notices of the right of District to conduct this type of search are posted in prominent locations in your school. In addition,~~

~~students will be notified at least once each semester that such searches will be conducted at the discretion of the school principal. The District may or may not, at its discretion, give prior notice that a random search will take place. The purpose of such a search is to determine student compliance with school regulations, and local, state, and federal laws. The search will not be more intrusive than reasonably necessary to meet the objectives of the search. (AS 14.03.105) The search will be conducted in a respectful, organized manner showing respect for the student and their possessions.~~

~~*Searches of Lockers and Desks Based on Reasonable Cause:* The school principal or his/her designee has the right and duty to inspect and search a student's locker and desk, if there is reasonable cause to believe, upon information received from the police or otherwise, that drugs, weapons, dangerous, illegal, or prohibited matter, or goods stolen from the school or from members of the staff or student body, are likely to be found within the area searched. Reasonable cause to search will exist when, based on all the facts and circumstances known to the person, there is cause to believe that the search will turn up evidence that the student has violated or is violating the law or the rules of the school. No search based on individualized suspicion shall be conducted without attempting to inform the person possessing the property to be searched, except if the suspected possession poses threat to life or property.~~

~~c. — **Automobiles:** The school principal or his/her designee may search automobiles which are parked on school grounds if he/she wishes to establish whether drugs, alcohol, weapons, dangerous, or illegal matter, or goods stolen from members of the staff or student body are found therein. All students utilizing the privilege of parking on school grounds have consented to such a search under the terms and conditions of their Parking Permits. All student vehicles parked on school grounds, whether or not a permit has been obtained, may be searched when there is reasonable cause to believe that the items described immediately above may be found therein.~~

~~d. — **Possessions and Outer Garments:** The school administration has the authority to inspect and search the possessions (e.g., purses, gym bags, instrument cases) and outer garments (e.g., jackets, coats, shoes or boots) of students when the school principal has reasonable cause to believe that drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods are likely to be found. A search may be conducted if a school official has reasonable cause to believe that a violation of a school rule or local, state, or federal law has taken place. No probable cause or warrant is required before a search may be conducted. Any such search must be conducted in private by the school principal or designee and witnessed by a staff person. School authorities will make a reasonable effort to contact the student's parent/guardian by telephone to obtain his/her consent prior to the search; parents/guardians will be given reasonable opportunity to be present during the search. Searches will be limited to the examination of the contents of a~~

~~student's possessions and outer garments, although a student may be requested to empty pockets of all contents.~~

e. — ~~**Search of a Student's Person:** Should an administrator have reason to believe that a student has drugs, weapons, illegal or dangerous materials, or stolen goods concealed on his/her person, the administrator may conduct a search of the student's person. No such search may be undertaken unless, in the administrator's judgment, there is adequate information based on direct observation by school personnel or reliable information from third parties, that a student is likely to have prohibited material on his/her person.~~

~~Prior to commencing a search of a student's person, the student must be told the nature of the information against him/her, and reasonable efforts may be made by school authorities to notify the student's parent/guardian by telephone and permit the parent/guardian the opportunity to be present. Attempted parental contact is not required prior to the inspection, by sight or smell, of the student's breath or part of the body normally open to public view, such as the student's hand, arm, or face. The student, or the student's parent/guardian if present, will be asked for consent, the nature of the search will be specified, the rights of the student, and the possible consequences faced by the student will be explained. If consent is refused, the search procedure will be immediately halted, and the matter turned over to the police.~~

f. — ~~**Emergency Exception:** For all types of searches described above, when an administrator has reasonable cause to believe, on the basis of information provided through direct observations by school personnel or others, that a student possesses any weapon or dangerous material which poses an imminent threat to life or property, he/she may authorize an immediate search of the student's person or possessions. In such a case, the student's parent/guardian will be notified by telephone of the search as soon as possible. No physical force may be applied during any search of the student unless there is an immediate threat of imminent danger to person or property.~~

g. — ~~**Seizure and Surrender of Items Found:** Unlawful, prohibited, or stolen matter found during the search may be turned over to the police and/or used in school disciplinary proceedings. Items which are used to disrupt or interfere with the educational process may be seized temporarily by school authorities. Such items shall, upon request, be returned to the parent or guardian at the end of the school day.~~

~~Illegal items (Tobacco, alcohol, drugs, firearms, weapons) or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities and at the discretion of the school principal, or his or her designee, may be turned over to the police authorities.~~

All legal items seized shall, upon request, be made available to the parent or guardian at the end of the school day.

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C. Freedom of Speech and Assembly

a.——Students are entitled to express verbally their personal opinions in a manner that does not interfere with the freedom of others to express themselves. Obscenity and slander are prohibited.

b.——Students have the freedom to assemble peacefully. There is an appropriate time and place for such assemblies. Meetings of school-sponsored organizations on school property shall be conducted at times and places approved by the principal or his/her designee. Conducting demonstrations or meetings which interfere with the educational process or the lawful activities of others is prohibited.

1.——Freedom of Symbolic Expression

a.——Student dress code: It is the goal of the District to ensure that every student has a safe environment in which to learn. Each student shall attend school clothed in a manner which is clean, not hazardous to the safety of him/herself or others, and which does not detract from the educational environment. Clothing worn by students that in the reasonable opinion of the school administration is inappropriate is forbidden. Such clothing includes:

- *——clothing which promotes gang affiliations;
- *——clothing which promotes violence or the use of tobacco, drugs, alcohol or weapons;
- *——clothing which is revealing, or which has comments or designs that are obscene, lewd, or vulgar;
- *——clothing that presents a hazard to the student's safety or the safety of others;
- *——clothing that causes distractions or inhibits the learning process.

Your individual school may have other school rules/prohibitions that are age appropriate. These school rules/prohibitions for clothing will be listed in your student handbook. Students who do not follow the rules will be excluded from school until such time that they cease wearing the clothing or items to school or school events.

f.——Buttons and armbands: Students may wear or display buttons, armbands, flags, decals and other badges of symbolic expression, unless the manner of expression materially or substantially interferes with the orderly process of the school or the rights of others. Items that are associated with gangs are deemed in and of themselves to substantially interfere with the orderly process of the school.

~~g.——Patriotic assembly: A student may abstain from the pledge or salute if he/she desires.~~

~~8.——Freedom to Publish~~

~~a.——Generally, the restrictions and regulations governing responsible journalism, as defined by the American Society of Newspaper Editors (ASNE), should be applied to District student publication with the clear understanding that school officials have the authority and duty to provide for an ordered educational atmosphere free from constant turmoil and distraction. Material which promoted gang activity is prohibited. These rules govern all printed material and electronic media.~~

~~b.——Students are entitled to express in writing their personal opinions but are expected to exercise responsibility and good judgment. The distribution of such material may not interfere with or disrupt the educational process. A written expression of opinion must be signed by its author except that editorials representing a newspaper position may be printed without signature if all members of the editorial board are identified elsewhere on the paper. (Note School Board policy 490.13)~~

~~c.——Students have the right to distribute leaflets, newspapers, and handbills at times and places as determined by the school principal or his/her designee. The students who edit, publish or distribute such leaflets, newspapers, and handbills among their fellow students assume the responsibility for the content of such publications. The school principal or his/her designee shall be entitled to pre-distribution examination of materials to determine whether these materials would disrupt the orderly educational process.~~

~~Non-school publications being distributed on school property may be seized by the school principal or his/her designee who has reasonable cause to believe that such publications contain libelous or obscene material. Seized publications must be returned to the student or made available to the parent/guardian at the end of the school day.~~

~~*Copies of the ASNE Statement of Principles are available in the school office and the school library.~~

~~d.——Commercial solicitation not authorized by the Superintendent or designee will not be allowed on school property at any time. This includes the use of the school district's computer network to solicit sales or conduct business, or setting up web pages to advertise a sale or service. An exception to this rule will be the sale of non-school sponsored student newspapers published by students of the school district. Non-school newspapers may be distributed only at times and places as determined by the school principal or his/her designee.~~

~~e. — Students have the right to do necessary research for articles, including public opinion polls, and shall have the responsibility not to abuse that right. Polls shall be authorized by the school principal or his/her designee if they interrupt class time, and the school principal or his/her designee shall be informed of polls taken during students' free time in school.~~

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D. Student Surveys

~~The District may conduct or administer surveys of students for the purposes of study, the improvement of education, or class assignment. No student may be required to participate in a questionnaire or survey if the student objects to participation.~~

~~**Requirements for Parental Permission:** In administering surveys or questionnaires in the schools, the District shall comply with state and federal laws concerning parental permission. No survey or questionnaire, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation may be administered, unless written permission is obtained from the student's parent or guardian (AS 14.03.110).~~

~~In addition, no student may be required, as part of any program administered by the Secretary of Education, to submit to a survey, analysis, or evaluation which inquires into the following areas unless prior written permission is obtained from the parent 20 USC 1232 (h):~~

- ~~1. — political affiliations;~~
- ~~2. — mental and psychological problems potentially embarrassing to the student or the student's family;~~
- ~~3. — sex behavior and attitudes;~~
- ~~4. — illegal, anti-social, self-incriminating and demeaning behavior;~~
- ~~5. — critical appraisals of other individuals with whom respondents have close family relationships;~~
- ~~6. — legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or~~
- ~~7. — income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).~~

~~**Annual permission:** Each year, the District may seek the permission of each parent/guardian for their child to participate in anonymous questionnaires or surveys. The permission will be valid for the remainder of the school year or until the parent/guardian who gave permission submits a written withdrawal of permission to the school principal.~~

~~**Notice:** At least two weeks prior to the administration of a questionnaire or survey, whether anonymous or not, which requires parental permission as~~

~~identified above, the school shall provide each student's parent or legal guardian with written notice explaining:~~

- ~~1. how and where the parent may preview the survey;~~
- ~~2. how the survey will be administered;~~
- ~~3. how the survey results will be used;~~
- ~~4. who will have access to the questionnaire or survey; and~~
- ~~5. for those surveys which are not anonymous, explain that written parental permission is required before their child may participate in the particular survey, and include a permission form to be returned by the parents, with instructions that the form must be returned at least two weeks before the survey is to be administered.~~

~~The District will make available for inspection to interested parents or guardians any instructional or other supplementary materials which will be used in connection with any survey, questionnaire, or evaluation.~~

~~Information gathered in student surveys may be disclosed to organizations conducting studies to develop, validate, or administer predictive tests; administer student aid programs; or to improve instruction. This information may be disclosed without parental permission provided: 1) the study is conducted in a manner that does not permit personal identification of parents and students to individuals other than those conducting the study; and 2) the information is destroyed when no longer needed for purposes of the study.~~

~~(Section 14 — Revised 9/28/98)~~

~~(Section D — Revised 8/23/99)~~

~~Types of Sanctions/Disciplinary Actions~~

- ~~1. **Simple Discipline:** Any discipline action against a student other than suspension or expulsion. No simple disciplinary action shall be taken in such manner as to prevent a student from accomplishing specific academic grade, level, or graduation requirement, provided that credit may not be granted for irregular attendance as described in the Secondary and Middle Level Administrative Manual. Simple disciplinary actions may include in-school suspension ("ISS"), the denial of the privilege to participate in school sponsored extracurricular programs, social events and senior graduation ceremony. A student can be subject to such simple disciplinary actions in addition to suspension or expulsion.~~

~~Prior to the imposition of simple disciplinary action, the student will be given written or oral notice of the charges against him/her, and if he/she denies them, an explanation of the evidence the administrator has, and an opportunity to present his/her side of the case will be granted. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.~~

~~When simple discipline involves the denial of the privilege to participate in extracurricular programs, social events and senior graduation ceremony. The school principal shall endeavor to notify the parent/guardian of the student by telephone of the pending charges against the student prior to imposition of this type of simple disciplinary action. The decision of the school principal will be provided in writing to the student and his/her parent/guardian.~~

~~There is no right to appeal simple discipline, except that the denial of participation in extracurricular programs, including senior graduation ceremony, may be appealed as set forth in Hearing and Appeal Procedures, Section 2. Simple discipline may be combined with a suspension or expulsion. In such instances, the disciplinary actions are treated as separate and distinct and the simple discipline may not be appealed, except for that discipline involving extracurricular programs and graduation. This does not limit the right of a student to appeal a suspension or expulsion which is imposed in addition to the simple discipline.~~

~~2. — **Short-Term Suspensions:** Denial, without a formal hearing, of the right of school attendance either from a single class or any full schedule of classes for a limited period of time not to exceed five (5) school days:~~

~~a. — A short-term suspension is a suspension ordered for any reason by the school administrator where the disciplinary action will not exceed five (5) school days.~~

~~b. — Prior to a student being placed on short-term suspension, the student must be given written or oral notice of the charges against him/her, and, if he/she denies them, an explanation of the evidence the administrator has, and an opportunity to present his/her side of the case. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.~~

~~c. — Notice to Parent/Guardian: The school administrator shall endeavor to notify the parent/guardian of the student of the pending suspension by telephone and in writing. The student and/or his or her parent/guardian shall be provided written and/or oral notice of the suspension prior to the time the suspension is to commence, unless notice is not possible prior to suspension because the student's presence poses an immediate or continuing danger to him/ herself or other persons or property, or an ongoing threat of disruption of the academic process.~~

~~A student may appeal a short-term suspension under the process set forth in Section 5 below. The short-term suspension will be enforced immediately and the student shall remain away from school unless or until an informal hearing is requested. Upon receipt of a hearing request, the suspension will be delayed and the student shall be allowed back in school pending the informal hearing, except as set forth in Section 5 below.~~

~~d. — A student on short-term suspension is encouraged to contact his or her teachers regarding daily class reading and assignments. A student will be allowed to complete, for credit, class work and assignments missed during the short-term suspension.~~

~~3. — **Long-Term Suspensions:** Denial of the right of attendance from any single class or any full schedule of classes for a stated period of time greater than five (5) school days. The following limitations shall apply to all long-term suspensions:~~

~~a. — No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.~~

~~b. — No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.~~

~~c. — A student on long-term suspension is encouraged to contact his or her teachers or counselor regarding daily class reading and assignments. However, a student on long-term suspension is not allowed to make up graded work which is handed in or completed during class.~~

~~When the school administrator, the Superintendent, or their designee, recommends long-term suspension, a written notice shall be delivered by mail or in person to the student and his or her parent/guardian. An attempt at telephonic notification will also be made. This notice shall state:~~

~~1) the specific charges against the student;~~

~~2) the student's right to a hearing; and~~

~~3) the recommended sanctions.~~

~~For students experiencing disabilities, the written notice shall also include a copy of the Parents' Rights Handbook; and, as soon as possible, a Multidisciplinary Team meeting will be held to determine if the student's behavior is related to the disability.~~

~~Within five (5) school days of receipt of this notice, the student and/or the student's parent/guardian may request a hearing in writing. If a request for hearing is not received within the five (5) day period, the student and his or her parent/guardian shall have waived his or her right to a hearing. If a hearing is requested, it shall be held as promptly as possible after receipt of the request, pursuant to the procedures set forth in Hearing and Appeal Procedures, Section 2. The long-term suspension will be enforced immediately and the student shall remain away from school unless or until a hearing is requested. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the suspension pending the hearing, except as set forth in Hearing and Appeal Procedures, Section 2.~~

~~4. — **Expulsion:** The denial of the right of school attendance for an indefinite period of time. In addition, the matter of an expelled student's further education shall be referred to the appropriate Instructional Division Executive Director.~~

~~When the school administrator, or the Superintendent, recommends expulsion, a written notice shall be delivered by mail or in person to the student and his or her parent/guardian. An attempt to make telephone notification will also be made. This written notice shall state:~~

- ~~1. the specific charges against the student;~~
- ~~2. the student's right to a hearing; and~~
- ~~3. the recommended disciplinary actions.~~

~~For students experiencing disabilities, the written notice shall also include a copy of the Parents' Rights Handbook; and, as soon as possible, a Multidisciplinary Team meeting will be held to determine if the student's behavior is related to the disability.~~

~~Within five (5) school days of receipt of this notice, the student and/or the student's parent/guardian may request a hearing in writing. If a request for hearing is not received within the five (5) day period, the student and his or her parent/guardian shall have waived his or her right to a hearing. If a hearing is requested, it shall be held as promptly as possible after receipt of the request, following the procedures set forth in Hearing and Appeal Procedures, Section 2. The student shall remain away from school until a hearing is requested. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the expulsion, pending the hearing, except as set forth in Hearing and Appeal Procedures, Section 2.~~

~~Students expelled from other school districts, as well as from the Anchorage School District, may apply for admission or readmission to the Anchorage School District by written application to the Anchorage School Board.~~

- ~~1. — Students must apply in writing and must document that they have met the conditions for return required by the Anchorage School District.~~
- ~~2. — Additional conditions and requirements may be set for admission at the discretion of the Superintendent, his designee, or the School Board prior to consideration for admission by the School Board.~~
- ~~3. — Upon admission to school, written conditions related to placement and attendance will be formulated. Continued permission to attend school will depend on adherence to these written conditions~~

~~5. — Programs for Long-Term Suspension or Expelled Students~~

~~The School Board may offer a program to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion from their current program. The School Board shall establish eligibility criteria for participation by any student in any such program. (Section Approved 6/25/01)~~

~~Hearing and Appeal Procedures~~

~~1. — Short-Term Suspensions~~

~~After notification of the short-term suspension, the student or his/her parent/guardian may request an informal hearing. The request shall be in writing. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the suspension, pending the informal hearing. However, a student will not be allowed back in school or allowed to participate in school-related activities pending a hearing if, in the judgment of the school principal, the presence of the student poses an immediate or continuing danger to himself or herself, other persons or property, or is an ongoing threat of disruption to the educational process. Failure to submit a written request for a hearing until after the completion of a suspension shall constitute a waiver of any right to such a hearing.~~

~~The hearing shall be held as soon as possible after receipt of the written request and shall be before an individual or discipline committee other than the individual who imposed the suspension. No persons other than the student, the parents/guardians, and the individual who imposed the suspension may attend the hearing. However, the individual designated to hold the hearing may, in his/her sole discretion and considering issues of confidentiality, allow other persons to be present as requested by the student or administration. In addition, the individual holding the hearing may allow those with knowledge of facts relevant to the suspension/simple discipline to attend the hearing to describe their knowledge of the facts. The decision of the designated individual will be announced in writing within one (1) school day after the hearing ends and shall be final. There is no right of appeal to the School Board.~~

~~2. — Long-Term Suspensions, Expulsions and Simple Discipline Prohibiting Attendance at a Student's Senior Graduation Ceremony or Extracurricular Activities~~

~~a. — Imposition of discipline pending a hearing and appeal: If a student and/or the student's parent/guardian requests a hearing in writing within five (5) school days, the suspension or expulsion shall be delayed pending the hearing and the student may return to school. However, the long-term suspension or expulsion shall not be delayed pending a hearing if, in the judgment of the school principal, the presence of the student poses an~~

~~immediate or continuing danger to him or herself, other persons or property, or an ongoing threat of disruption of the educational process. In such instances, the student shall remain out of school, and related school activities, pending the hearing and appeal process.~~

~~b.——The Hearing Officer: A hearing officer shall be appointed by the Superintendent or designee to conduct a hearing and make a recommendation to the Superintendent or designee. The administrative hearing shall be conducted in accordance with these rules:~~

~~c.——The following procedural guidelines shall govern the hearing:~~

~~(1) The parent/guardian/student may be present at the hearing and the student may be represented by legal counsel or other spokesperson/advocate~~

~~(2) Two (2) school or work days prior to the hearing, the District will provide to the student all documentary evidence upon which it intends to rely.~~

~~(3)——Both student and the District shall have the opportunity to present their versions of the relevant facts, submit the evidence upon which they rely, and bring forth witnesses. The student shall be allowed to observe all evidence offered against him or her. Both parties may rely upon written statements by witnesses. The District shall not be required to reveal the names of witnesses where to do so would subject them to a risk of retaliation or harm. In addition, consistent with federal and state law, the District shall not disclose the contents of other student's records where such disclosure has not been authorized by the student's parent/guardian, or by the student if at least 18 years old.~~

~~(4) The hearing need not be conducted according to technical rules relating to evidence and witnesses. All relevant, not unduly repetitious, evidence shall be accepted.~~

~~(5) All witnesses presenting testimony before the hearing officer shall be sworn to testify truthfully.~~

~~(6) The hearing officer shall make his/her recommendation solely upon the evidence presented at the hearing.~~

~~(7) A tape-recorded record shall be made of the hearing by the District.~~

~~(8)——Within three (3) school days after completion of the hearing, the hearing officer shall provide a written recommendation to the Superintendent or designee to uphold, modify, or reject the long-term suspension or expulsion. The Superintendent or designee shall then make his/her determination and shall provide the student and parent/guardian with a written decision, which shall include a copy of the hearing officer's findings~~

and recommendation, within five (5) school days after completion of the hearing.

~~(9) If the Superintendent or designee upholds or modifies a long-term suspension or expulsion, so that suspension time remains, the suspension will be enforced immediately upon receipt by the student and parent/guardian of the Hearing Officer's decision. However, the student shall be entitled to return to school if the student or his or her parent/guardian appeal the decision under the procedures set forth in this section. Nevertheless, where the presence of the student poses an immediate or continuing danger to him or herself, other persons or property, or an ongoing threat of disruption to the educational process, then the student's suspension shall not be delayed pending an appeal.~~

~~d. The student and his/her parent/guardian shall have five (5) school days after receipt of the written decision to appeal the decision to the School Board. The request for appeal must be in writing. The letter must describe the reasons for appealing directly to the Board. The letter must be based on either a substantial and significant misunderstanding of the facts or that the student was not given due process as specified in this document.~~

~~e. The following procedural guidelines shall govern an appeal to the School Board:~~

~~(1) The Board or its designee will schedule and hold a meeting to review the matter as promptly as possible after the receipt of such an appeal. The Board shall notify the student and his/her parent/guardian at least three (3) school days prior to the scheduled meeting.~~

~~(2) At that time, the student, his/her parent/guardian or spokesperson shall have the right to present oral and/or written argument. Consideration by the Board will be restricted to evidence in the record submitted during the hearing, although the Board may consider, in its sole discretion, any new relevant evidence not available at the time of the hearing.~~

~~The Board, in deciding the appeal, shall consider:~~

~~(a) Whether the decision was arbitrary or capricious;~~

~~(b) Whether the decision was supported by substantial evidence in the record; and~~

~~(c) Whether the disciplinary action was fair and reasonable in light of all circumstances.~~

~~(3) The Board, or its designee, shall issue a written decision within five (5) school days after the meeting. The student and his/her parent/guardian shall be provided a written copy of the decision, which shall be final and binding.~~

~~f. Application for re-admission: In no circumstances shall either a long-term suspension or expulsion prevent a student from submitting an application for re-admission prior to the termination of the sanction. Applications for re-admission shall be submitted to the Superintendent.
(Section Revised 6/25/01)~~

~~(Statement of Rights And Responsibilities Revised 6/14/99)
(Statement of Rights And Responsibilities Revised 6/25/01)~~

450 Student Rights and Responsibilities

450.1 Statement of Rights and Responsibilities

The ASD Statement of Rights and Responsibilities is adopted as School Board Policy on matters pertaining to student rights, responsibilities, and discipline. In any case of conflict between the Statement of Rights and Responsibilities and any other District policy or procedure, the Statement of Rights and Responsibilities shall take precedence unless specifically limited by the other Board policy.

450.2 Copy of Statement of Rights and Responsibilities

A copy of the Statement of Rights and Responsibilities shall be made available to each student, employee, and any other person required by state law at the start of each school year. [4AAC 07.030]

450.3 Superintendent will implement procedures to ensure the distribution and dissemination of the Student Rights and Responsibilities document and the information contained therein. Special attention will be given to the development of procedures appropriate to elementary, middle level, and senior high students.

(Section 450 - Revised June 14, 1993)

451 Disciplinary Actions

Disciplinary action can range from an oral warning to expulsion. The ASD will endeavor to apply discipline that is progressive in most situations. However, the disciplinary action applied in any particular matter will depend upon the specific circumstances, and ASD reserves the right to apply whatever disciplinary action is appropriate in each case. The proper level of discipline requires professional judgment and should be based on an individualized evaluation of the conduct and the student involved. The factors that may be considered include, but are not limited to:

1. The potential for harm;
2. The student's prior disciplinary record; or lack of any prior offense;
3. Discipline imposed on others in similar situations;
4. Maintaining an appropriate educational environment; and
5. Other relevant factors or circumstances.

451.1 Suspensions

The principal or designee has the authority to suspend students in accordance with the Statement of Rights and Responsibilities. These suspensions include in-house and out-of-school suspensions. [Moved to 450.3] In all cases, the Superintendent or designee retains the authority to review, revise, or impose disciplinary action. (See Appendix A)

451.2 Expulsion

Students may be expelled only upon action by the School Board. The grounds for expulsion are as provided in A.S. 14.30.045 and described in more detail in the Statement of Rights and Responsibilities. Expulsions may be accomplished only in accordance with the procedures established in the Statement of Rights and Responsibilities. The Board may set a minimum expulsion time for serious offenses.

(Section 451.2 - Revised January 12, 1998)

451.21 Programs for Long-Term Suspension or Expelled Students

The School Board may establish or approve a program or programs to provide educational instruction and other services, as it deems appropriate, to students who have engaged in conduct that has resulted in long-term suspension or expulsion from their current program. The Superintendent or designee shall establish eligibility criteria for participation by any student in any such program.

(Section 451.21 – Approved June 11, 2001)

451.22 Admission After Expulsion

A letter of application must be submitted for reinstatement. It must include evidence of completion of the requirements for readmittance that were stated in the expulsion letter from the Board. It must also include a statement from the student as to why he or she wants to return and what he or she has learned from the expulsion and the events leading up to the expulsion. The administration may set additional conditions and requirements prior to consideration for reinstatement. The parent or guardian and the student requesting reinstatement will be required to meet with the Superintendent or designee for a formal discussion prior to reinstatement. The Superintendent or designee will determine appropriateness of reinstatement and school placement and make a recommendation to the School Board. Expelled students seeking admission to the District will be admitted only by action of the School Board. [Upon re-admission, written conditions related to placement and attendance will be formulated. Continued permission to attend school will depend on adherence to those written conditions.] move this sentence to Rights and Responsibilities

(Section 451.21 - Revised May 19, 1997)

(Section 451.21 – Approved as Section 451.22 – June 11, 2001)

451.4 Suspension or Expulsion of Special Education Students

The Superintendent shall establish uniform procedures that ensure the right of a special education student to an appropriate education when suspended or expelled.

(Section 451.5 – Approved as Section 451.4 – June 11, 2001)

452 Student Handbooks

In addition to the rights and responsibilities denoted in the Statement of Rights and Responsibilities, each school unit also issues a student handbook which contains rules and regulations that govern conduct in that school. A copy of the student handbook shall be made available at the start of each school year to each student and employee at that school. Each student handbook shall be consistent with Board policy and state law.

In addition to providing a copy of the student handbook to students each year, the staff at each school shall conduct a program to review and/or teach rights and responsibilities, including expectations, rules and consequences, to students annually.

(Section 452 - Revised September 12, 1983)

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APPENDIX A -- STATEMENT OF RIGHTS AND RESPONSIBILITIES

The Anchorage School District Statement of Rights and Responsibilities (Appendix A) is School Board policy. In case of conflict between the Statement of Rights and Responsibilities and other District policy or procedure, the Statement of Rights and Responsibilities governs unless specifically limited by the other Board policy. The following rules, regulations and due process procedures are designed to protect all members of the school community and the Anchorage School District in the exercise of their rights and duties.

Note: Students identified with disabilities have additional rights and protections under state and federal law as summarized in Appendix A-1.

Preamble

This policy and the rules and regulations of each school are the laws of that school community. Students, parents and staff all have responsibilities as members of a school community. Each must, *to the extent consistent with state and federal law*, do the following:

- (1) Respect and follow the laws of the school community;
- (2) Respect the rights of other members of that community; and
- (3) Contribute to the fulfillment of the educational purposes of the school through cooperative conduct.

Disciplinary action can range from an oral warning to expulsion. The ASD will endeavor to apply discipline that is progressive in most situations. However, the disciplinary action applied in any particular matter will depend upon the specific circumstances, and ASD reserves the right to apply whatever disciplinary action is appropriate in each case. The proper level of discipline requires professional judgment and should be based on an individualized evaluation of the conduct and the student involved. The factors that may be considered include, but are not limited to the following:

- (1) The potential for harm;
- (2) The student's prior disciplinary record; or lack of any prior offense;
- (3) Discipline imposed on others in similar situations;
- (4) Maintaining an appropriate educational environment; and
- (5) Other relevant factors or circumstances.

Due Process

Every student has a right to due process. Discipline should be fair and reasonable. Before discipline, a student will be given "due process," which is an opportunity to do the following:

- (1) Find out what the school thinks he or she did wrong;
- (2) Present his or her side of the story.

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Non-Discrimination

This Statement of Rights and Responsibilities will be enforced fairly and uniformly without regard to race, ethnicity, national origin, sex or gender, sexual orientation, or disability.

Jurisdiction

The following rules apply on campus, at school activities on and off campus, on school buses, and at school bus stops. These rules also apply to acts that:

- (1) Start on school campus and are completed off campus; or
- (2) Begin off campus and continue on campus; or
- (3) Pose a likelihood of disruption of education or conduct at the school;
- (4) Occur while coming either to or from school.

In addition, students may be disciplined for behavior on or off campus that occurs at any time if the behavior is clearly adverse to the welfare, safety, or morals of other students or a person employed or volunteering at the school. The District should not exercise this jurisdiction with respect to conduct that has little or no actual or likely effect on the school community.

Note: AS 14.30.045. (Revised 6/14/99)

Rights, Responsibilities and Limitations

A student who does any prohibited conduct or fails to abide by any requirement of this Statement of Rights and Responsibilities shall be subject to appropriate corrective action from simple discipline to expulsion. No system of rules can provide for every situation, and the District may prohibit and discipline other offenses not specifically addressed that interfere with the education, safety, welfare, or morals of students, employees, or volunteers.

Students Experiencing Disabilities

Students with disabilities are expected to follow the standards of behavior as described in this Statement of Rights and Responsibilities. However, students with identified disabilities may have additional rights relating to discipline and continuing services. A copy of those additional rights is available from the Anchorage School District Special Education Department or the school principal.

Note: A student identified with a disability is entitled to the same process described above in a manner consistent with the student's IEP or 504 plan and with all applicable state and federal laws and implementing regulations. A "student identified with a disability" means those students identified as eligible to receive special education and related services as defined under the IDEA, or eligible under Section 504, as well as those students whom ASD has a "basis of knowledge" of a disability before the behavior occurred that precipitated the disciplinary action. The term "basis of knowledge" is defined in detail in Appendix A-1.

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A. Student Behavior / Prohibited Conduct

Note: The behavior of a student with identified disabilities involving any of the offenses referenced below may be reviewed by an IEP or 504 team, to consider the need for a behavioral intervention plan, and any adjustment of individually designed special education and related services, subject to exceptions as provided under law with regard to weapons or drug offenses and incidents involving serious bodily injury.

1. Accessory to an Act (Aiding, Inciting, or Encouraging Prohibited Conduct)

Acting as an accomplice or in any way aiding, assisting, facilitating, or encouraging the preparation, instigation, commission or aftermath of prohibited conduct is prohibited. A student with knowledge or information regarding a potential or actual criminal or violent act within the jurisdiction of the district should immediately report such information to a teacher, counselor, school administrator, or other school employee. Failure to report direct personal knowledge of a criminal or violent act may be considered facilitation of the act where the student fails to take a clear opportunity to prevent or minimize the act. Attendance to observe a prohibited act may constitute a violation of this policy.

2. Arson/Fire

Damaging or attempting to damage property by the setting of fire, the causing of an explosion, or the attempted starting of a fire or explosion is prohibited.

3. Assault

Intentionally or recklessly causing or threatening physical injury to another person or placing another person in fear of immediate physical injury is assault and is prohibited. A student assaulting a staff member will usually be placed on emergency suspension and be recommended for expulsion for a presumptive period of one year.

4. Attempt

Attempting to commit a punishable act, even if that attempt is not ultimately completed or successful, is prohibited.

5. Criminal Acts

The commission of, or participation in, any criminal activity is prohibited. Criminal acts are defined in detail under the laws of the State of Alaska. The District may take disciplinary action regardless of whether or not criminal charges or prosecution result. The District may find a violation of District policy and is not bound by the criminal elements of a specific crime as identified in state law.

Note: AS 14.30.045(5)

6. Dangerous Actions

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Actions that are likely to create a substantial risk of injury, damage or disruption to persons or property are prohibited.

7. Dangerous Materials/Objects

Possession or bringing to school or a school activity any material or object that jeopardizes the safety or welfare of people under District jurisdiction or that disrupt the educational mission is prohibited. These include Mace, pepper spray, bear spray, explosive, flammable, or other hazardous chemicals or chemical products, caps, bullets, laser pens or pointers, and other potentially dangerous or disruptive items.

8. Discrimination/Harassment/Bullying

The Anchorage School District affirms the right of all students and employees to pursue their education or occupation with dignity in a safe environment. It is the policy of the District to maintain learning and working environments that are free from discrimination, harassment, hazing, and related violence. A learning environment must be structured to reflect diverse cultural traditions and contributions. The District does not tolerate any behaviors that ridicule, harass, intimidate, or otherwise threaten or discriminate against students, staff, or community members. The District will investigate all complaints, formal or informal, verbal or written, of discrimination or harassment. The District will discipline any student or employee who discriminates against or harasses a student, employee, or community member. A false or frivolous accusation made under this policy may result in disciplinary action against the accuser.

a. Discrimination and Harassment Defined:

Discrimination: Discrimination is the display of unlawful partiality or prejudice towards others.

Harassment: Harassment is a single act or course of conduct directed toward an individual or group that serves no legitimate purpose other than to annoy, alarm, torment, or abuse that person or group.

Examples of violations of this discrimination and harassment policy may include but are not limited to the following:

- (1) Making demeaning remarks directly or indirectly, such as name-calling, racial slurs or “jokes”; or
- (2) Physically threatening or harming an individual; or
- (3) Displaying discriminatory or harassing visual or written materials; or
- (4) Defacing, damaging, or destroying property or materials; or
- (5) Performing any other act that is clearly discriminatory or harassing in nature;

because of the person’s race, creed, sex or gender, national origin, age, marital status, political or religious beliefs, physical or mental disabilities, family, social, or cultural background, or sexual orientation.

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Sexual Harassment: Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- (1) Submission to that conduct or communication is made a term or condition, either expressed or implied, of obtaining or retaining employment or of obtaining an education; or
- (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an individual's employment or education or participation in other school activities; or
- (3) That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or education environment.

Examples of sexual harassment include, but are not limited to, the following:

- (1) Sexually oriented verbal harassment or abuse;
- (2) Subtle pressure for sexual activity;
- (3) Sexually inappropriate patting or pinching;
- (4) Intentional brushing against a student's or employee's or community member's body;
- (5) Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
- (6) Any sexually motivated unwelcome touching; or
- (7) Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.

b. Reporting Procedures

Students who believe they have experienced an act of harassment or discrimination by another student, employee, or community member should report the matter immediately to a staff member. The school principal or designee shall investigate the issue and advise the EEO Office. In addition, students may also report the incident to the EEO Office directly or to an outside agency, e.g., the Municipality of Anchorage Equal Rights Commission, an Ombudsman, the State of Alaska Human Rights Commission, the U.S. Equal Employment Opportunity Commission, or the office for Civil Rights.

(Discrimination & Harassment Section Revised 6/25/01)

9. Disruptive Behavior

Disruptive behavior or appearance that interferes with the normal school program, the educational process, or the lawful activities of others is prohibited.

10. Disruptive Items (Radios, Tape Decks, Toys, etc.)

The hall lockers are not secure enough to store portable radios, walkmans, tape recorders, beepers, cellular phones, play back devices, TV sets, CD players, or other expensive items. Students who bring these items to school do so at their own risk. Use of these items, or any other items, in a manner that disrupts others or interferes with the education of the student or others is prohibited. Additional restrictions may apply at your school to

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the possession or inappropriate use of frisbees, hackysacks, skateboards, basketballs, and other toys or game equipment.

11. Drugs and Alcohol

a. The actual or attempted sale, distribution, use, or possession of alcohol, illegal drugs or inhalants, drug paraphernalia, substances designed to look like illegal drugs or alcohol, or substances purported to be illegal drugs or alcohol, while under the jurisdiction of the District is prohibited. Students who sell, attempt to sell, or use these substances off campus and who then arrive at or return to school or school-sponsored activities will be subject to suspension and/or expulsion. The sale, trade, distribution or misuse of prescription drugs or look-alike prescription drugs is also prohibited.

Note: For students with identified disabilities, discipline for drug or alcohol violations must be consistent with state and federal law as described in Appendix A-1.
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Cumulative Nature of Violations: A violation of this policy will constitute a prior offense that will carry over from year to year and will subject the student to greater discipline for a later violation.

Sanctions:

(1) First offense for use or possession:

a) Ten (10) days suspension from school.

b) Referral to the Drugs/Alcohol Suspension Program. Students may reduce their suspension by up to five (5) days by meeting specific criteria for the program.

c) Required parent/guardian and student conference with the school principal or designee prior to readmission to school.

(2) Each subsequent offense for use or possession:

a) A violation occurring within the span of three full school years after the year a previous violation occurs will result in a recommendation to the School Board for expulsion from the Anchorage School District.

b) A violation occurring more than three full school years after the year in which a prior offense occurred will be subject to progressive discipline, but not automatic recommendation for expulsion.

c) A school year is defined as July 1 to June 30.

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(3) First and any subsequent offense for sale or attempted sale will result in a recommendation to the School Board for expulsion from the Anchorage School District.

(4) At its discretion, the School Board may offer a program to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion from their current program. The superintendent or designee shall establish eligibility criteria for participation by any student in any such program.

(5) The District may also refer any use, possession, or sale of drugs or alcohol, or any attempt, to the police.

b. Use or possession of over-the-counter drugs, prescription drugs prescribed to that student, vitamins, and other nutritional supplements is subject to control by the District. Such items must be turned over to the school nurse or designated staff person and used only under school supervision. Inhalers and similar medical devices may be kept and used by students with permission from the school nurse. Violations of this paragraph are subject to disciplinary action but are not subject to the cumulative violation policies described above.

12. Excessive Display of Affection

Excessive display of affection is prohibited.

13. Extortion or Blackmail

Obtaining money or property by violence, threats of violence, untrue accusations, or public ridicule is prohibited.

14. Failure to Comply with Before and After School Restrictions

A student must not remain on school grounds before or after the regular school day unless the student is directly involved in a supervised, sanctioned school activity. Students must arrive at school and be picked up from school at times established by the principal. Students who are on school property at an unauthorized time may be disciplined for trespass. Outside school hours, school grounds are available for public use when not in use for school activities or under a facilities use permit. However, the principal may close school grounds for a reasonable period before and after school.

15. Failure to Cooperate with School Personnel

Students must obey the instructions of all school district personnel. Refusal to comply with a reasonable request by a staff member is willful disobedience and is prohibited.

16. Failure to Identify Self

All students in school buildings, on school grounds, or at school-sponsored events must, upon request, identify themselves to school district personnel or their designee. Student failure to provide his or her correct name, address, and parent contact number upon such request is prohibited.

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17. False Alarm / Bomb Threat

Activating a false alarm, tampering with the fire alarm system, or knowingly making a false report of fire or other emergency is prohibited. Bomb threats and other threats of harm are also prohibited.

18. False Impersonation

Students may not claim or assume a false identity with the intent of deceiving school personnel, other students, or members of the community, or in connection with any school district activity or function.

19. False Information/False Witness/Lying

The presentation of information or testimony (oral or written) that is knowingly misleading, or knowingly misrepresenting facts, or an actual attempt to defraud or lie is prohibited.

20. Forgery/Cheating

Students may not make, alter, or possess a document that the student knows to be false or forged. Students may not represent work of others as their own and may not cheat.

21. Fighting/Physical Violence

Fighting and physical violence, which include any instigation of violence or actual violence in which striking, kicking, shoving, pushing, and /or any other physical violence is used against another person are prohibited. When two or more students are involved in any verbal or physical altercation, all parties may be subject to suspension or expulsion. Active participation in a fight, beyond self-defense as defined below, may result in suspension even if a different party can be demonstrated to have instigated the fight.

<p>Note: For students with identified disabilities, discipline for serious bodily injury will be consistent with state and federal law as described in Appendix A-1.</p>
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Self Defense: A student may claim self-defense only if the student acted under a reasonable belief that a defensive action was necessary to avoid injury, and other alternatives, including means of assistance or retreat, were not reasonably available. The student must use the minimum force necessary to escape injury. A claim of self-defense may be rejected if the force used in the alleged self-defense is disproportionate to the force used by the other person. A student who was the initial aggressor or who inappropriately provoked the other student's conduct may not claim self-defense.

Intervention: Physical intervention to stop a fight generally increases the risk of injury and is strongly discouraged. An intervener who participates in a fight is subject to long-term suspension or expulsion.

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22. Fireworks/Explosives

The possession or use of fireworks, explosives and/or incendiary devices on school property is prohibited.

23. Inappropriate Sexual Behavior

Inappropriate sexual behaviors are prohibited. This includes, but is not limited to, departing or attempting to depart a student, indecent exposure, and entering an opposite sex locker or restroom facility.

24. Internet /E-mail or Network/ Computer Misuse

Students are required to use school computers, school or district networks, and the Internet system in an appropriate manner. Inappropriate use of computers, school or district networks, Internet, e-mail, ASD equipment, equipment used in ASD facilities, or at/for ASD events, is prohibited. Inappropriate use may include, but is not limited to, the following:

- Accessing, sending or displaying offensive messages or pictures
- Using obscene language
- Harassing, demeaning, defaming, insulting, threatening or attacking others
- Violating copyright laws
- Using another's password, impersonating another person
- Trespassing in another's folders, work or files
- Deliberately damaging hardware or software
- Employing the ASD or school network for commercial purposes
- Using district computers for illegal activities
- Plagiarism

Violations may result in a loss of computer, network, and e-mail privileges, withdrawal/failing from computer-related class(es), as well as other disciplinary or legal action including recommendation for suspension and/or expulsion.

25. Littering

Leaving or discarding trash anywhere except in an appropriate receptacle is prohibited.

26. Non-Attendance

Daily attendance of all who are enrolled in the District's schools is required in accordance with municipal and state law and School Board rules. Student failure to attend a regularly scheduled class without being officially excused is prohibited.

27. Obscenity/Profanity

Students are to use discretion in their choice of language. Profane or inappropriate language or gestures are prohibited. Prohibited language includes spoken or written profanities and obscene or sexual messages (implicit or explicit).

28. Prohibited Organizations and Groups

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- a. Groups that initiate, advocate, or promote activities that threaten the safety or well being of persons or property at school or at school activities and/or are determined to be detrimental to the educational program of the school are prohibited. Apparel, jewelry, accessories or grooming that implies or indicates a person is a member of a prohibited group is prohibited at school and at school activities.
- b. Participation in activities such as initiation, hazing, intimidation or in activities designed to create group affiliation that can cause bodily danger, physical harm or mental or emotional harm is prohibited.
- c. Persons who display symbols of prohibited groups or who participate in activities identified with prohibited groups or who participate in activities that intimidate another student are subject to disciplinary action.
- d. Groups that behave in the manner described in this section will be defined as gangs. Gang behavior is prohibited at school and school activities.

29. Reckless or Unsafe Behavior

Actions that jeopardize the safety and/or welfare of one's self or others are prohibited.

30. Smoking/Tobacco

Use, sale, or possession of tobacco in any form by students, including students who are 19 years of age or older, while under the jurisdiction of the school is prohibited.

31. Theft/Robbery

Theft, attempted theft, or possession of stolen property by students is prohibited.

32. Threats

Willfully attempting or threatening to inflict injury on another person while under school district jurisdiction is prohibited. A student threatening a staff member may be placed on emergency suspension with a possible recommendation for expulsion.

33. Trespass

Entering or remaining on school property at an unauthorized time or at a school-sponsored activity without permission is considered trespass and is prohibited. During school hours, a student must have authorization to be on the property of a school where the student is not enrolled. Any student suspended or expelled from ASD is not allowed on any school property or at any school activity on or off school property, except that eligible students may attend those programs authorized by the School Board for expelled or long-term suspended students if the student is enrolled in that program. Suspended or expelled students may also attend a specific activity with the explicit written permission of the principal or assistant principal.

34. Vandalism/Destruction of Property/Pranks

Removing, misusing, destroying, defacing, or mutilating objects or materials belonging to the school, school personnel, or other persons is prohibited.

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35. Weapons and Firearms

Weapons and firearms: Students shall not carry on their person, or place anywhere on school property, or in the vicinity of a school sponsored event, any firearms or other weapons, except as assigned to students for, and used during, a regular course of instruction or authorized activity. However, if in a regular course of instruction or during an authorized activity, a weapon is used in an unauthorized manner, the student will be in violation of this provision. Students found with weapons, or look-alike weapons of any kind, while subject to the jurisdiction of the school are subject to suspension or expulsion and arrest.

Weapons include, but are not limited to, firearms*, pellet and BB guns, air guns, spring guns, zip guns, stun guns, shockers, bombs or other explosives, poison, dangerous or deadly gas, slingshots, bludgeons, throwing stars, knives, clubs, brass knuckles or artificial knuckles of any kind, numchucks and throwing weapons.

Note: For students with identified disabilities, discipline for possession of weapons must be consistent with state and federal law as described in Appendix A-1.

* Note: A “firearm” is defined as: (1) any weapon (including a starter gun) which will or is designed to, or may readily be converted, to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. A “destructive device” is an explosive, incendiary, poison gas, bomb, grenade, rocket, missile, or any other similar device. 18 U.S.C. § 921.

- a. Any student who is determined to have brought a firearm to a school, or a school related activity, will be expelled from school for a period of not less than one year.
- b. Any student who is determined to have brought a deadly weapon other than a firearm to school, or a school-related activity, will be suspended for a period of not less than 30 days.
- c. The Superintendent, on a case-by-case basis, may determine whether a lesser expulsion or suspension period is appropriate. This modification may include removal from the student's present school setting and a placement in an alternative educational setting and/or program.
- d. Reinstatement of the student to a school program will only be recommended by the Superintendent to the School Board after the student

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has met the conditions of reinstatement as follows: The student must submit a letter of application for reinstatement to the Superintendent that includes a statement from a forensic psychologist that the student will not pose a danger or threat to students or staff while attending classes or other school-sponsored activities.

After a full review of the reinstatement application, the Superintendent will make a recommendation to the School Board as to whether to reinstate the student and under what specific conditions the student may be reinstated.

e. Possession of a weapon other than a firearm or deadly weapon is prohibited and will result in disciplinary action.

36. Willful Disobedience

Refusal or failure to comply with a reasonable request by staff is prohibited. A student may also not disobey applicable rules that the student knows or should know. This includes, but is not limited to, classroom rules, rules for appropriate bus conduct, rules for use of the Internet and e-mail, and rules for extracurricular activities and athletics.

B. Search and Seizure

The following rules shall apply to search and seizure pertaining to students and school property assigned to them (e.g., lockers, desks):

a. All searches, other than random, administrative, and emergency searches described in this section must be based on reasonable cause and should take place in the presence of the student and a third person, unless the student's presence cannot be obtained within a reasonable amount of time under the circumstances or if there is a threat to life or property. The search will be conducted in a respectful, organized manner that shows respect for the student and his or her possessions. At the discretion of the principal or designee, the police or other law enforcement authority may be called to conduct the search or seizure. In that case, any searches or seizures will be at the direction of the law enforcement officer, and the procedures in this section do not apply.

b. Lockers and desks:

Random Searches: The school administration retains control over lockers and desk space assigned to students. The District retains the right to conduct random searches of student lockers or desk space and their contents at any time. All lockers and/or desks may be searched, or a smaller number chosen by random selection may be searched. Notices of the right of the District to conduct this type of search are posted in prominent locations in each school. In addition, students will be notified at least once each semester that such searches will be conducted at the discretion of the school principal. The District may or may not, at its discretion, give prior notice that a random search will take place. The purpose of such a search is to determine student compliance with school regulations and local, state, and federal laws. The search will not be more intrusive than reasonably

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necessary to meet the objectives of the search. The search will be conducted in a respectful, organized manner showing respect for the student and his or her possessions.

Note: AS 14.03.105

Searches Based on Reasonable Cause: The school principal or designee has the right and duty to inspect and search a student's locker or desk and their contents if there is reasonable cause to believe that drugs; alcohol; weapons; dangerous, illegal, or prohibited matter; or stolen goods are likely to be found within the area searched. Reasonable cause to search will exist when, based on all the facts and circumstances known to the person, there is cause to believe that the search will turn up evidence that the student has violated or is violating the law or the rules of the school. No search based on reasonable cause shall be conducted without attempting to inform the person possessing the property to be searched, except if the suspected possession poses threat to life or property. School authorities will make a reasonable effort to contact the student's parent or guardian to give the parents or guardians a reasonable opportunity to be present during the search.

c. Automobiles

The school principal or designee may search automobiles that are parked on school grounds if he or she wishes to establish whether drugs, alcohol, weapons, dangerous or illegal materials, or stolen goods are found therein. All students utilizing the privilege of parking on school grounds have consented to such a search under the terms and conditions of their Parking Permits. All vehicles parked on school grounds by a student, whether or not a permit has been obtained, may be searched when there is reasonable cause to believe that the items described immediately above may be found therein.

d. Possessions and Outer Garments

The school administration has the authority to inspect and search the possessions (e.g., purses, gym bags, instrument cases) and outer garments (e.g., jackets, coats, shoes or boots) of students when the school principal has reasonable cause to believe that drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods are likely to be found. A search may be conducted if a school official has reasonable cause to believe that a violation of a school rule or local, state, or federal law has taken place. No probable cause or warrant is required before a search may be conducted. Any such search must be conducted in private by the school principal or designee and witnessed by a staff person. School authorities will make a reasonable effort to contact the student's parent or guardian to give the parents or guardians a reasonable opportunity to be present during the search. Searches will be limited to the examination of the contents of a student's possessions and outer garments, although a student may be requested to empty the pockets of other garments being worn by the student.

e. Search of a Student's Person

Should an administrator have reason to believe that a student has drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods concealed on his/her person, the

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administrator may conduct a search of the student's person. No such search may be undertaken unless, in the administrator's judgment, there is adequate information based on direct observation by school personnel or reliable information from third parties, that a student is likely to have prohibited material on his/her person. Attempted parental contact is not required prior to the inspection, by sight or smell, of the student's breath or part of the body normally open to public view, such as the student's hand, arm, or face. Prior to commencing a search of a student's person, the student must be told the nature of the information against him/her, and reasonable efforts will be made by school authorities to notify the student's parent or guardian by telephone and permit the parent or guardian the opportunity to be present. The student, or the student's parent or guardian if present or reached by phone, will be asked for consent, the nature of the search will be specified, and the rights of the student and the possible consequences faced by the student will be explained. If consent is refused, the search procedure will be immediately halted, and the matter turned over to the police.

f. Administrative Searches

In situations of elevated concern for student safety or acts of vandalism, such as at dances or during the last few days of school, the administration may engage searches of all or randomly selected vehicles entering campus or of the possessions of students entering the school. Advanced notice that the District will conduct this type of search shall be given. The search will not be more intrusive than reasonably necessary to meet the objectives of the search. Before search of a vehicle or possessions, the student or driver may deny the search but will then be denied entrance.

g. Emergency Exception

For all types of searches described above, when an administrator has reasonable cause to believe, on the basis of information from direct observations by school personnel or others, that a student possesses any weapon or dangerous material which poses an imminent threat to life or property, he/she may authorize an immediate search of the student's person or possessions. In such a case, the student's parent or guardian will be notified by telephone of the search as soon as possible. No physical force may be applied during any search of the student unless there is an immediate threat of imminent danger to persons or property.

h. Seizure and Surrender of Items Found

Unlawful, prohibited, or stolen matter found during the search may be turned over to the police or used in school disciplinary proceedings. School authorities may temporarily seize items that disrupt or interfere with the educational process. Items seized that are not kept for disciplinary proceedings or retained by the police shall, upon request made within ten days, be returned to the parent or guardian.

C. Types of Sanctions/Disciplinary Actions

1. Simple Discipline:

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Simple discipline is defined as any discipline action against a student other than out-of-school suspension or expulsion.

- a. No simple disciplinary action shall be taken in a way that prevents a student from accomplishing specific academic grade, level, or graduation requirement. Simple disciplinary actions may include in-school suspension (“ISS”), the denial of the privilege to participate in school-sponsored extracurricular programs or activities, social events and senior graduation ceremony. Prior to the imposition of simple disciplinary action, the student will be given written or oral notice of his or her misconduct. The student will then be given an opportunity to present his or her side of what occurred. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.
- b. When simple discipline involves the denial of the privilege to participate in school-sponsored extracurricular programs or activities, social events and senior graduation ceremony, the school principal or designee shall first try to let the student’s parent or guardian know by telephone about the charges against the student and the proposed discipline. In such cases, the decision of the school principal or designee will be provided in writing to the student and his or her parent or guardian.
- c. There is no right to a formal appeal of simple discipline, except that the denial of participation in senior graduation ceremony may be appealed as set forth in Hearing and Appeal Procedures. Simple discipline may be combined with a suspension or expulsion. In such instances, the disciplinary actions are treated as separate and distinct and the simple discipline may not be appealed, except for that discipline involving denial of participation in senior graduation ceremonies. This does not limit the right of a student to appeal a suspension or expulsion that is imposed in addition to the simple discipline.

Note: Additional Information Regarding Students with Disabilities and Short Term Suspensions Longer than 10 Cumulative Days, Long-Term Suspension of 10+ Days, or Expulsion

In the case of students with identified disabilities, an IEP Team and other qualified personnel must meet to review all relevant information and determine if the conduct in question was caused by, or had a direct and substantial relationship to the student’s disability, or was the direct result of ASD’s failure to implement the IEP. If it is determined the behavior is not related to the disability, then the student may be subject to the same discipline procedures applicable to students without disabilities, except that the student’s special education needs as identified in the IEP can be provided in an alternative setting. If the conduct in question is related to the student’s disability, the IEP team must meet to determine how the student’s special education needs as identified in the IEP will be met in an alternative setting.

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2. **Short-Term Suspension:** Denial of the right of school attendance either from a single class, more than one class, or any full schedule of classes, and from all other activities, for a limited period of time not to exceed five (5) school days.

a. Before a student is placed on short-term suspension, the student must be given written or oral notice of the charges against him or her. If the student denies the charges, the student will be given an explanation of the evidence the administrator has in sufficient detail to identify approximate time and place and the nature of the charges. The student will then be given an opportunity to present his or her side of what happened. This explanation and opportunity to present facts may occur immediately after notice of the charges is given to the student.

b. Notice to Parent/Guardian: The school administrator shall

1. try to let the student's parent or guardian know about the proposed suspension by telephone and in writing, and
2. unless the student is placed on Emergency Suspension, provide written or oral notice of the suspension decision before the suspension is to begin.

Note: Parents of students with identified disabilities must be provided with notice of their procedural safeguards in accordance with state and federal law.

c. A short-term suspension will be enforced immediately, and the student shall remain away from school or the designated class or classes and all school activities. However, if within five (5) school days of receipt of the notice described above, the student and/or the student's parent/guardian requests a hearing, in writing, the suspension will be delayed and the student shall be allowed back in school, but not extra-curricular activities, pending an informal hearing, unless the student has been placed on Emergency Suspension. An informal hearing shall be held as soon as possible after the receipt of the written request. Failure to submit a written request for a hearing within five (5) days of the notification of the discipline shall constitute a waiver of any right to such a hearing. Students with identified disabilities are also entitled to return to school pending this hearing.

d. A student on short-term suspension is encouraged to contact his or her teachers regarding daily class reading and assignments. A student will be allowed to complete, for credit, class work and assignments missed during the short-term suspension.

3. **Long-Term Suspension:** Denial of the right of attendance from any single class, more than one class, or any full schedule of classes for a stated period of time greater than five (5) school days.

a. The following limitations shall apply to all long-term suspensions:

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(1) No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.

(2) No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.

(3) A student on long-term suspension is encouraged to contact his or her teachers or counselor regarding daily class reading and assignments. However, a student on long-term suspension is not granted credit for work that is handed in or completed during class.

b. Notice to Parent/Guardian: When the school administrator, the Superintendent, or their designee, recommends long-term suspension, a written notice shall be delivered by mail or in person to the student and his or her parent or guardian. An attempt at telephonic notification will also be made. This notice shall state the following:

(1) The specific charges against the student, in sufficient detail to identify the approximate time and place and the nature of the charges;

(2) The student's right to a hearing; and

(3) The recommended sanctions.

Note: For students with identified disabilities, the written notice shall also include a copy of the Notice of Procedural Safeguards, and ASD must continue to provide educational services during any long-term suspension.

c. A long-term suspension will be enforced immediately, and the student shall remain away from schools and all school activities. However, if within five (5) school days of receipt of the notice described above, the student and/or the student's parent/guardian requests a hearing in writing, the student may return to school, but not extra-curricular activities, and the remainder of the suspension will be delayed until the hearing unless the student has been placed on Emergency Suspension as described below. Any hearing requested shall be held as promptly as possible under the procedures set forth in the Hearing and Appeal Procedures section. If a request for hearing is not received within the five (5) day period, the student and his or her parent/guardian shall have waived his or her right to a hearing.

4. **Expulsion:** The denial of the right of school attendance for an indefinite period of time or for a period of time greater than a long-term suspension. The instructional division Executive Director or designee will provide parent/guardian information concerning educational alternatives and options available.

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a. Notice to Parent/Guardian: When the school administrator, or the Superintendent, recommends expulsion, a written notice shall be delivered by mail or in person to the student and his or her parent/guardian. An attempt to make telephone notification will also be made. This written notice shall state the following:

- (1) The specific charges against the student, in sufficient detail to identify the approximate time and place and the nature of the charges;
- (2) The student's right to a hearing; and
- (3) The recommended disciplinary actions.

For students with identified disabilities, the written notice shall also include a copy of the Notice of Procedural Safeguards, and ASD must continue to provide educational services during any expulsion.

b. A student recommended for expulsion shall remain away from schools and all school activities. However, if within five (5) school days of receipt of the notice described above, the student and/or the student's parent/guardian requests a hearing in writing, the student may return to school, but not extra-curricular activities, until the hearing unless the student has been placed on Emergency Suspension as described below. Any hearing requested shall be held as promptly as possible under the procedures set forth in the Hearing and Appeal Procedures section. If a request for hearing is not received within the five (5) day period, the student and his or her parent/guardian shall have waived his or her right to a hearing.

c. Students expelled from other school districts, as well as from the Anchorage School District, may apply for admission or readmission to the Anchorage School District by written application to the Anchorage School Board.

- (1) Students must apply in writing and must document that they have met the conditions for return required by the Anchorage School District.
- (2) Additional conditions and requirements may be set for admission at the discretion of the Superintendent, his designee, or the School Board prior to consideration for admission by the School Board.
- (3) Upon admission to school, written conditions related to placement and attendance will be formulated. Continued permission to attend school will depend on adherence to these written conditions.

5. **Emergency Suspension:** Immediate removal of a student from school attendance without return pending any hearing or appeal.

a. A school may impose an emergency suspension if, in the judgment of the principal, the student poses an immediate and continuing danger or a threat of disruption to the educational process. In the event of an emergency suspension, the student cannot resume classroom attendance throughout the duration of the suspension, regardless of the appeal status.

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6. Exclusion from School Property and Activities.

Students serving out-of-school suspension or who have been expelled may not be on school property and may not take part in school activities on or off school property. Exceptions to this rule may be granted in writing for specific activities at the discretion of the school principal or assistant principal, subject to any reasonable restrictions imposed by the principal or assistant principal.

7. Programs for Long-Term Suspension or Expelled Students

The School Board may offer programs to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion. The continuation programs shall be as broadly available as feasible consistent with safety and budgetary considerations. (Section Approved 6/25/01)

D. Hearing and Appeal Procedures

Additional appeals procedures that apply to students with identified disabilities are specified in Appendix A-1.
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1. Informal Hearings for Short Term Suspension

- a. After notification of the short-term suspension, the student or his or her parent or guardian may request an informal hearing. The request shall be in writing. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the suspension, pending the informal hearing. However, a student will not be allowed back in school or allowed to participate in school-related activities pending a hearing if the student has been placed on Emergency Suspension. Failure to submit a written request for a hearing within 5 days of the notification of the discipline shall constitute a waiver of any right to such a hearing.
- b. The hearing shall be held as soon as possible after receipt of the written request and shall be before an individual or discipline committee other than the individual who imposed the suspension.
- c. No persons other than the student, the parents or guardians, and the individual who imposed the suspension may appear at the hearing unless the individual designated to hold the hearing, in his or her sole discretion and considering issues of confidentiality, allows other persons to be present as requested by the student or administration. In addition, the individual holding the hearing may allow those with knowledge of facts relevant to the suspension/simple discipline to attend the hearing to describe their knowledge of the facts.
- d. The decision of the designated individual will be announced in writing within two (2) school days after the hearing ends and shall be final. There is no right of further appeal.

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2. Formal Hearings for Long-Term Suspension, Expulsion and Simple Discipline Prohibiting Attendance at School-Sponsored Extracurricular Programs or Activities, Social Events, or a Student's Senior Graduation Ceremony

a. Imposition of discipline pending a hearing and appeal: If a student or the student's parent/guardian requests a hearing in writing within five (5) school days, the suspension or expulsion shall be delayed pending the hearing and the student may return to school. However, the long-term suspension or expulsion shall not be delayed pending a hearing if the student has been placed on Emergency Suspension. In such instances, the student shall remain out of school, and related school activities, pending the hearing and appeal process.

b. The Hearing Officer: A hearing officer shall be appointed by the Superintendent or designee to conduct a hearing under this section and to make a recommendation to the Superintendent or designee. The Hearing Officer shall consider the evidence presented and make a recommendation to uphold, reverse, or modify the suspension or expulsion.

c. The following procedural guidelines shall govern the hearing:

(1) The parent or guardian and student may be present at the hearing and the student may be represented by legal counsel or other advocate.

(2) Two (2) school or work days prior to the hearing, the District will provide to the student all documentary evidence upon which it intends to rely.

(3) Both student and the District shall have the opportunity to present their versions of the relevant facts, submit the evidence upon which they rely, and present witnesses. The student shall be allowed to observe all evidence offered against him or her. Both parties may rely upon written statements by witnesses. The District shall not be required to reveal the names of witnesses where doing so would subject the witness to a risk of retaliation or harm. Consistent with federal and state law, the District shall not disclose the contents of another student's records where such disclosure has not been authorized by the student's parent/guardian, or by the student if at least 18 years old.

(4) The hearing will not be conducted according to technical court rules relating to evidence and witnesses. All relevant, not unduly repetitious, evidence shall be accepted.

(5) All witnesses presenting testimony before the hearing officer shall be sworn to testify truthfully.

(6) The hearing officer shall make his/her recommendation solely upon the evidence presented at the hearing.

(7) A tape-recorded record shall be made of the hearing by the District.

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- (8) Within three (3) school days after completion of the hearing, the hearing officer shall provide a written recommendation to the Superintendent or designee to uphold, modify, or reject the long-term suspension or expulsion. The Superintendent or designee shall then make his/her determination and shall provide the student and parent/guardian with a written decision, which shall include a copy of the hearing officer's findings and recommendation, within five (5) school days after completion of the hearing.
- (9) If the Superintendent or designee upholds or modifies a long-term suspension, expulsion, or simple discipline prohibiting attendance at school-sponsored extracurricular programs or activities, social events, or a student's senior graduation ceremony, so that suspension or discipline time remains, the suspension or discipline will be enforced immediately upon receipt by the student and parent/guardian of the Hearing Officer's decision. However, unless the student has been placed on Emergency Suspension, the student shall be entitled to return to school if the student or his or her parent/guardian appeal the decision under the procedures set forth in this section.
- d. The student and his/her parent/guardian shall have five (5) school days after receipt of the written decision to appeal the decision to the School Board.
- (1.) The request for appeal must be in writing.
 - (2.) The letter must describe the reasons for appealing directly to the Board.
 - (3.) The reason for appeal must be either a substantial and significant misunderstanding of the facts or that the student was not given due process as specified in this document.
- e. The following procedural guidelines shall govern an appeal to the School Board:
- (1) The Board or its designee will schedule and hold a meeting to review the matter as promptly as possible after the receipt of such an appeal. The Board shall notify the student and his/her parent/guardian at least three (3) school days prior to the scheduled meeting.
 - (2) At that time, the student, his/her parent/guardian or spokesperson shall have the right to present oral and/or written argument. Consideration by the Board will be restricted to evidence in the record submitted during the hearing, although the Board may consider, in its sole discretion, any new evidence submitted by the student not available at the time of the hearing.
 - (3) The Board, in deciding the appeal, shall consider:
 - (A) Whether the decision was arbitrary or capricious;
 - (B) Whether the decision was supported by substantial evidence in the record; and
 - (C) Whether the disciplinary action was fair and reasonable in light of all circumstances.

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(4) The Board, or its designee, shall issue a written decision within five (5) school days after the meeting. The Board may uphold, reverse, or modify the disciplinary action or recommendation. The student and his/her parent/guardian shall be provided a written copy of the decision, which shall be final and binding.

f. Application for re-admission: In no circumstances shall either a long-term suspension or expulsion prevent a student from submitting an application for re-admission prior to the termination of the sanction. Applications for re-admission shall be submitted to the Superintendent. (Section Revised 6/25/01)

(Statement of Rights And Responsibilities Revised 6/14/99)

(Statement of Rights And Responsibilities Revised 6/25/01)

E. Freedom of and Responsibilities Relating to Speech and Assembly

a. Students are entitled to express their personal opinions in a manner that does not interfere with the freedom of others or violate these policies or school rules consistent with these policies. Obscenity and defamation are prohibited.

b. Students have the freedom to assemble peacefully. There is an appropriate time and place for such assemblies. Meetings of school-sponsored organizations or student clubs on school property shall be conducted at times and places approved by the principal or designee. Conducting demonstrations or meetings that interfere with the educational process or the lawful activities of others is prohibited.

1. Freedom of Symbolic Expression

a. Student dress code: It is the goal of the District to ensure that every student has a safe environment in which to learn. Each student shall attend school clothed in a manner that is clean, not hazardous to the safety of him or herself or others, and that does not detract from the educational environment. Clothing worn by students that in the reasonable opinion of the school administration is inappropriate is forbidden. Such clothing includes but is not limited to the following:

- Clothing that promotes gang affiliations;
- Clothing that promotes violence or the use of tobacco, drugs, alcohol or weapons;
- Clothing that is revealing or has comments or designs that are obscene, lewd, or vulgar;
- Clothing that presents a hazard to the student's safety or the safety of others;
- Clothing that causes distractions or inhibits the learning process.

An individual school may list in its student handbook other school rules for clothing consistent with this policy. Students who do not follow the rules will be excluded from school until such time that they cease wearing the clothing or items to school or school events.

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b. Buttons and armbands: Students may wear or display buttons, armbands, flags, decals and other badges of symbolic expression, unless the manner of expression materially or substantially interferes with the orderly process of the school or the rights of others. Items that are associated with gangs are deemed in and of themselves to substantially interfere with the orderly process of the school.

c. Patriotic assembly: A student may abstain from the pledge or salute if he/she desires. A student abstaining must maintain a respectful silence and may not be disruptive while others are reciting the pledge.

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2. Written Material and Electronic Media

These rules govern distribution of all written material and electronic media. The school principal or designee shall be entitled to pre-distribution examination of materials to determine whether these materials would disrupt the orderly educational process or violate district policy.

a. Generally, the restrictions and regulations governing responsible journalism, as defined by the American Society of Newspaper Editors (ASNE), should be applied to District student publication with the clear understanding that school officials have the authority and duty to provide for an ordered educational atmosphere free from turmoil and distraction. Material that promotes gang activity is prohibited.

b. Students are entitled to express in writing their personal opinions but are expected to exercise responsibility and good judgment. The distribution of such material may not interfere with or disrupt the educational process. A written expression of opinion must be signed by its author except that editorials representing a newspaper position may be printed without signature if all members of the editorial board are identified elsewhere on the paper. (Note School Board policy 490.13)

c. Students have the right to distribute leaflets, newspapers, and handbills at times and places as determined by the school principal or designee. The students who edit, publish or distribute such leaflets, newspapers, and handbills among their fellow students assume the responsibility for the content of such publications. Non-school publications being distributed on school property may be seized by the school principal or designee who has reasonable cause to believe that such publications contain libelous or obscene material. Seized publications will be turned over to the parent/guardian upon request unless the publication is defamatory, obscene, invades the rights of others, or similar good cause.

Note: Copies of the ASNE Statement of Principles are available in the school office and the school library.

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d. Commercial solicitation not authorized by the Superintendent or designee will not be allowed on school property at any time. This includes the use of the school district's computer network to solicit sales or conduct business or to set up web pages to advertise a sale or service. An exception to this rule will be the sale of non-school-sponsored student newspapers published by students of the school district. Non-school newspapers may be distributed only at times and places as determined by the school principal or his/her designee.

e. Students have the right to do necessary research for articles, including public opinion polls, and shall have the responsibility not to abuse that right. A poll must not interrupt class time unless authorized by the school principal or his/her designee.

F. Student Surveys

The District may conduct or administer surveys of students for the purposes of study, the improvement of education, or class assignment. No student may be required to participate in a questionnaire or survey if the student objects to participation.

Requirements for Parental Permission: In administering surveys or questionnaires in the schools, the District shall comply with state and federal laws concerning parental permission.

Annual permission: Each year, the District may seek the permission of each parent/guardian for their child to participate in anonymous questionnaires or surveys. The permission will be valid for the remainder of the school year or until the parent/guardian who gave permission submits a written withdrawal of permission to the school principal.

(Section 14 – Revised 9/28/98)

(Section D – Revised 8/23/99)

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Note: No survey or questionnaire, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation may be administered, unless written permission is obtained from the student's parent or guardian (AS 14.03.110). In addition, no student may be required, as part of any program administered by the Secretary of Education, to submit to a survey, analysis, or evaluation which inquires into the following areas unless prior written permission is obtained from the parent 20 USC 1232 (h):

1. political affiliations;
2. mental and psychological problems potentially embarrassing to the student or the student's family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

Note: At least two weeks prior to the administration of a questionnaire or survey, whether anonymous or not, which requires parental permission as identified above, the school shall provide each student's parent or legal guardian with written notice explaining:

1. how and where the parent may preview the survey;
2. how the survey will be administered;
3. how the survey results will be used;
4. who will have access to the questionnaire or survey; and
5. for those surveys which are not anonymous, explain that written parental permission is required before their child may participate in the particular survey, and include a permission form to be returned by the parents, with instructions that the form must be returned at least two weeks before the survey is to be administered. The District will make available for inspection to interested parents or guardians any instructional or other supplementary materials that will be used in connection with any survey, questionnaire, or evaluation. Information gathered in student surveys may be disclosed to organizations conducting studies to develop, validate, or administer predictive tests; administer student aid programs; or to improve instruction. This information may be disclosed without parental permission provided: 1) the study is conducted in a manner that does not permit personal identification of parents and students to individuals other than those conducting the study; and 2) the information is destroyed when no longer needed for purposes of the study.

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Appendix A-1

Students with identified disabilities

It is School Board Policy to comply with state and federal laws and regulations. This appendix is prepared by the administration at the request of the Board to describe protections and procedures relating to students with identified disabilities under state and federal laws and regulations. It is subject to change without Board action when there are changes to the law or regulations, when there are new court interpretations of those laws and regulations, or when there is new regulatory guidance related to those laws and regulations.

Students with identified disabilities are entitled to appeal suspensions of more than 10 school days pursuant to procedures established under state and federal law. To appeal, the parents of the student may request a special education due process hearing in writing.

Once a hearing has been requested, a student with identified disabilities is entitled to continuation of educational services consistent with state and federal law.

A student with identified disabilities may be suspended out of school and without any educational services for up to ten school days per school year unless the suspension is related to weapons or drug offenses or incidents involving serious bodily injury. The days need not be consecutive.

If a student with identified disabilities is suspended out of school eleven or more days during any one school year, this will constitute a change of educational placement for the student and will trigger procedural safeguards as provided under state and federal law.

An IEP team can change the placement of a student with a disability without parental agreement or the order of a hearing officer or court for a period of time up to 45 school days under certain circumstances as provided under state and federal law. Such circumstances include violations of school policies involving weapons, drugs, or serious bodily injury. A change of placement means the student is still receiving special education and related services under the student's IEP but the services are being provided in an alternative educational setting.

Note: The following disciplinary procedures are subject to the provisions of IDEA 2004 as follows:

- A. Anchorage School District personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct.

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B. School personnel may remove a student with a disability who violates a code of student conduct from their current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 school days (to the extent such alternatives are applied to students without disabilities).

C. If school personnel seek to order a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration in which the procedures would be applied to students without disabilities, although it may be provided in an interim alternative educational setting, as provided under the IDEA.

Appeal Process for Students with Disabilities

In accordance with the IDEA as amended in 2004, the parent of a student with a disability who disagrees with any decision regarding placement or a manifestation determination may request a due process hearing that adheres to procedures set forth under the IDEA and applicable Alaska law. Similarly, ASD may request a hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Students with identified disabilities are entitled to continuation of educational services unless an exception described below applies to that student. IEP and 504 teams will meet and provide parents with Prior Written Notice to identify changes to the student's IEP or 504 plan when those changes trigger the procedural safeguards afforded under IDEA and 504. Pursuant to those procedural safeguards, a parent can challenge the changes in a due process or 504 hearing to be conducted by an independent hearing officer.

Notice: Students with identified disabilities may utilize IDEA/504 due process hearing procedures to appeal a suspension of more than 10 school days as provided under the IDEA or Section 504.

Note: IDEA 2004 amendments set out a procedure for manifestation determinations for changes of placement because of violation of student conduct as follows:

IN GENERAL: Within 10 school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct, ASD, the parent, and relevant members of the IEP Team shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents to determine:

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- 1) if the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability; or
- 2) if the conduct in question was the direct result of the local agency's failure to implement the IEP.

MANIFESTATION: If ASD, the parent, and relevant members of the IEP Team determine that either subclause (1) or (2) above is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

DETERMINATION THAT BEHAVIOR WAS A MANIFESTATION: If ASD, the parent, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team shall:

- (1) conduct a functional behavioral assessment and implement a behavioral intervention plan for such student, provided that ASD had not conducted such assessment prior to such determination before the behavior that resulted in a change in placement.
- (2) in the situation where a behavioral intervention plan has been developed, review the behavioral intervention plan if the student already has such a behavioral intervention plan, and modify it, as necessary, to address the behavior, and
- (3) except under "special circumstances" described below, return the student to the placement from which the student was removed, unless the parent and ASD agree to a change of placement as part of the modification of the behavioral intervention plan.

SPECIAL CIRCUMSTANCES: School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, in cases where a student:

- (1) carries or possesses a weapon to or at school, on school premises, or to or at an ASD school function;
- (2) knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at an ASD school function; or
- (3) has inflicted serious bodily injury upon another person while at school, on school premises, or at an ASD school function.

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NOTIFICATION: Not later than the date on which the decision to take disciplinary action is made, ASD shall notify the parents of that decision and of all procedural safeguards accorded under the IDEA.

DETERMINATION OF SETTING: The interim alternative educational setting shall be determined by the IEP Team.

DETERMINATION THAT THE BEHAVIOR WAS NOT A MANIFESTATION: If school personnel seek a change in placement that would exceed 10 school days and the behavior that gave rise to the violation of the school code is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures applicable to students without disabilities may be applied to the student in the same manner and for the same duration in which the procedures would be applied to students without disabilities, except the student will continue to receive special education and related services under the student's IEP but in an alternative educational setting as determined by the IEP team.

HEARING OFFICER'S AUTHORITY UNDER IDEA AS AMENDED 2004:

1) **IN GENERAL:** A hearing officer shall hear, and make a determination regarding, an appeal.

2) **CHANGE OF PLACEMENT ORDER:** In making the determination on appeal, the hearing officer may order a change in placement of a student with a disability. In such situations, the hearing officer may

a) return a student with a disability to the placement from which the student was removed; or

b) order a change in placement of a student with a disability to an appropriate interim alternative educational setting for not more than 45 school days if the hearing officer determines that maintaining the current placement of such student is substantially likely to result in injury to the student or to others.

3) **PLACEMENT DURING APPEALS:** When an appeal has been requested by either the parent or ASD:

a) the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period provided for deciding the hearing, whichever occurs first, unless the parent and ASD agree otherwise; and

b) the State and ASD shall arrange for an expedited hearing, which shall occur within 20 school days of the date the hearing is requested and shall result in a determination within 10 school days after the hearing.

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c) IDEA authorizes a hearing officer to place a student in an appropriate interim alternative educational setting on the grounds of dangerousness if there is a substantial likelihood of injury to the student or others if the student remains in his current placement. Such placement may be ordered for up to 45 days at a time.

The standard for determining dangerousness provides that a hearing officer may order placement in an interim alternative educational setting for not more than 45 days if the hearing officer:

- 1) Determines that ASD has demonstrated by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or to others;
- 2) considers the appropriateness of the student's current placement;
- 3) considers whether the public agency has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services;
- 4) determines that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of the IDEA and its applicable promulgating regulations.

PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

1) **IN GENERAL:** A student who has not been determined to be eligible for special education and related services who has engaged in behavior that violates a code of student conduct may assert any of the protections provided for in this part if ASD had knowledge (as determined in accordance with this paragraph) that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

2) **BASIS OF KNOWLEDGE:** A local educational agency shall be deemed to have knowledge that a student is a student with a disability if, before the behavior that precipitated the disciplinary action occurred:

- a) the parent of the student has expressed concern in writing to supervisory or administrative personnel at ASD, or a teacher of the student, that the student is in need of special education and related services;
- b) the parent of the student has requested an evaluation of the student as provided under the IDEA;

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c) the teacher of the student, or other personnel at ASD, has expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Director of Special Education at ASD or to other ASD supervisory personnel.

3) EXCEPTION: ASD shall not be deemed to have knowledge that the student is a student with a disability if the parent of the student has not allowed an evaluation of the student as provided under the IDEA or has refused services under this part of the student has been evaluated and it was determined that the student was not a student with a disability.

4) CONDITIONS THAT APPLY IF NO BASIS OF KNOWLEDGE:

a) IN GENERAL: If ASD does not have knowledge that a student is a student with a disability as described above prior to taking disciplinary measures against the student, the student may be subjected to disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

b) LIMITATIONS: If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under this subsection, the evaluation shall be conducted in an expedited manner. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the agency and information provided by the parents, ASD shall provide special education and related services, except that, pending the results of the evaluation, the student shall remain in the educational placement determined by ASD.

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Note:

DEFINITIONS

1) **CONTROLLED SUBSTANCE:** The term “controlled substance” means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC 812 (c))0.

2) **ILLEGAL DRUG:** The term “illegal drug” means a controlled substance but does not include a controlled substance that is legally possessed or used under supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.

3) **WEAPON:** The term “weapon” has the meaning given the term “dangerous weapon” under 18 USC section 930 (g)(2) which means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 inches in length.

4) **SERIOUS BODILY INJURY:** The term “serious bodily injury” has the meaning given the term “serious bodily injury” under 18 USC 1365(3)(h) which means bodily injury which involves – (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5) **SCHOOL DAY:** The term “school day” is defined as any day, including a partial day, that students are in attendance at school for instructional purposes. 34 CFR 300.309(c)(1).

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APPENDIX A -- STATEMENT OF RIGHTS AND RESPONSIBILITIES

The Anchorage School District Statement of Rights and Responsibilities (Appendix A) is School Board policy. In case of conflict between the Statement of Rights and Responsibilities and other District policy or procedure, the Statement of Rights and Responsibilities governs unless specifically limited by the other Board policy. The following rules, regulations and due process procedures are designed to protect all members of the school community and the Anchorage School District in the exercise of their rights and duties.

Note: Students identified with disabilities have additional rights and protections under state and federal law as summarized in Appendix B.

Preamble

This policy and the rules and regulations of each school are the laws of that school community. Students, parents and staff all have responsibilities as members of a school community. Each must, *to the extent consistent with state and federal law*, do the following:

- (1) Respect and follow the laws of the school community;
- (2) Respect the rights of other members of that community; and
- (3) Help meet educational goals through cooperation.

Disciplinary action can range from an verbal warning to expulsion. The ASD will try to apply discipline that is progressive in most situations. However, the disciplinary action applied in any particular case will depend upon the specific circumstances, and ASD reserves the right to apply whatever disciplinary action it deems appropriate in each case. The appropriate level of discipline requires professional judgment and should be based on an individualized evaluation of the conduct and the student involved. The factors that may be considered include, but are not limited to, the following:

- (1) The potential for harm;
- (2) The student's prior disciplinary record; or lack of any prior offense;
- (3) Discipline imposed on other students in similar situations;
- (4) Maintaining an appropriate educational environment; and
- (5) Any other relevant factors or circumstances.

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Due Process

Every student has a right to due process. Discipline should be fair and reasonable. Before any disciplinary action is taken , a student will be given “due process,” which means that he or she and his family will have the opportunity to do the following:

- (1) Find out what the school thinks the student did wrong;
- (2) Present the student’s side of the story.

Non-Discrimination

This Statement of Rights and Responsibilities will be enforced fairly and uniformly without regard to race, (ethnicity seems redundant?), national origin, sex or gender (again, can we just pick sex or gender, are both words needed?), sexual orientation, or disability. What about RELIGION? Other bases under state and local law?

Jurisdiction

I think school grounds or school property, while longer, is more understandable than the term “campus”

The following rules apply on school grounds , at school activities on and off school grounds , on school buses, and at school bus stops. These rules also apply to acts that:

- (1) Begin on school grounds and end off school grounds; or
- (2) Begin off school grounds and continue on school grounds ; or
- (3) Pose a risk of disruption at the school;
- (4) Acts that take place when the student is on the way to school or leaving school

In addition, students may be disciplined for behavior on or off school grounds that takes place at any time if the behavior clearly has negative consequences for the welfare, safety, or morals of other students or a person employed or volunteering at the school. The District should not exercise this jurisdiction with respect to conduct that has little, or no actual, or likely impact on the school community.

Note: AS 14.30.045. (Revised 6/14/99)

Rights, Responsibilities and Limitations

Any prohibited conduct shall be subject to appropriate corrective action which can range from a verbal warning to expulsion. No system of rules can provide for every situation, and the District may prohibit and discipline other offenses not specifically listed that interfere with the education, safety, welfare, or morals of students, employees, or volunteers.

Students Experiencing Disabilities

Students with disabilities are expected to follow the standards of behavior as described in this Statement of Rights and Responsibilities. However, students with identified

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disabilities may have additional rights relating to discipline and continuing services. A copy of those additional rights is available from the Anchorage School District Special Education Department or the school principal.

Note: A student identified with a disability is entitled to the same process described above in a manner consistent with the student's IEP (full out) or 504 (full out) plan and with all applicable state and federal laws and implementing regulations. A "student identified with a disability" means a student identified as eligible to receive special education and related services as defined under the IDEA (full out), or eligible under Section 504 (full out), as well as those students about whom ASD knew had disabilities before the behavior occurred that precipitated the disciplinary ? swhere is action. The term "basis of knowledge" is defined in detail in Appendix B.

A. Student Behavior / Prohibited Conduct

Note: The behavior of a student with identified disabilities involving any of the listed offenses may be reviewed by an IEP or 504 team, to consider the need for a Behavioral Intervention Plan, and any change in individually designed special education and related services, subject to exceptions as provided under law with regard to weapons or drug offenses and incidents involving serious bodily injury.

1. Accessory to an Act These terms would be hard to alter because of their specific and legal meaning, but they are difficult to understand (Aiding, Inciting, or Encouraging Prohibited Conduct)

A student may not act as an accomplice or in any way aid, assist, facilitate, or encourage the preparation, instigation, commission or aftermath of a punishable act. A student with knowledge or information regarding a potential or actual criminal or violent act within the jurisdiction of the district should immediately tell a teacher, counselor, school administrator, or other school employee. Failure to report what a student has seen, heard or knows about a criminal or violent act may be considered facilitation of, or assisting in doing, the act where the student fails to take the clear opportunity to stop or minimize the act. Being a bystander, or watching without taking action or reporting a prohibited act may constitute a violation of this policy.

2. Arson/Fire

Students may not damage or attempt to damage property by the setting of fire, the causing of an explosion, or trying to start a fire or explosion.

3. Assault

Assault is defined as intentionally or recklessly causing, or threatening, physical injury to another person, or placing another person in fear of immediate physical injury. Assault is

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prohibited. A student who assaults a staff member will usually be placed on emergency suspension and be recommended for expulsion for a (unless presumptive can be explained better) period of one year.

4. Attempt

A student is subject to discipline for a punishable act even if he or she attempted to commit the act but did not complete the act

5. Attendance

Students enrolled in the Anchorage School District must attend school every day as required by municipal and state law and School Board rules. Students shall attend regularly scheduled classes unless they are officially excused.

6. Before and After School Restrictions

A student must not remain on school grounds before or after the regular school day unless the student is directly involved in a supervised, approved school activity. Students must arrive at school and be picked up from school at times established by the principal. Students who are on school property at an unauthorized time may be disciplined for trespassing. Outside school hours, school grounds are available for public use when not in use for school activities or under a Facilities Use permit. However, the principal may close school grounds for a reasonable period before and after school.

7. Cooperation with School Personnel

Students must obey the instructions of all school district personnel. Refusal to comply with a reasonable request by a staff member is willful disobedience and is prohibited.

8. Criminal Acts

The commission of, or participation in, any criminal activity is prohibited. Criminal acts are defined in detail under the laws of the State of Alaska. The District may take disciplinary action regardless of whether or not criminal charges or prosecution result from the act. The District may find a violation of District policy and is not bound by the criminal elements of a specific crime as identified in state law.

Note: AS 14.30.045(5)

9. Dangerous Actions

Actions that are likely to create a substantial risk of injury, damage or disruption to persons or property are prohibited.

10. Dangerous Materials/Objects

Materials or objects that jeopardize the safety or welfare of people under District jurisdiction or that disrupt the educational process are prohibited. These materials or objects include Mace, pepper spray, bear spray, explosive, flammable, or other hazardous chemicals or chemical products, caps, bullets, laser pens or pointers, and other potentially dangerous or disruptive items.

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11. Discrimination/Harassment/Bullying

The Anchorage School District (should full out everywhere District is mentioned, or define at the outset and then just use District – could be confusing to some)affirms the right of all students and employees to pursue their education or occupation with dignity in a safe environment. It is the policy of the District to maintain learning and working environments that are free from discrimination, harassment, hazing, and related violence. The learning environment in District schools must be structured to reflect diverse cultural traditions and their contributions. The District will not tolerate any behaviors that ridicule, harass, intimidate, or otherwise threaten or discriminate against students, staff, or community members. The District will investigate all complaints of discrimination or harassment regardless of whether the complaint is formal or informal, verbal or written. The District will discipline any student or employee who discriminates against,or harasses a student, employee, or community member. A false or frivolous accusation made under this policy may result in disciplinary action against the accuser.

a. Discrimination and Harassment Defined:

Discrimination: Discrimination is any display of bias or prejudice for or against another person or group of persons.

Harassment: Harassment is a single act or course of conduct directed toward an individual or group of people that serves no legitimate purpose other than to annoy, intimidate, frighten, offend, alarm, torment, or abuse that person or group.

Examples of violations of this discrimination and harassment policy include but are not limited to:

- (1) Making demeaning, insulting or offensiveremarks directly or indirectly, such as name-calling, racial slurs or “jokes”; or
- (2) Physically threatening or harming an individual; or
- (3) Displaying discriminatory or harassing visual or written materials or objects;

or

- (4) Defacing, damaging, or destroying property or materials; or
- (5) Performing any other act that is clearly discriminatory or harassing in nature;

because of a person’s race, creed, sex or gender (pick one), national origin, age, marital status, political or religious beliefs, physical or mental disabilities, family, social, or cultural background, or sexual orientation. See above – all state and local bases should be included wherever reference is made to unlawful discrimination.

Sexual Harassment: Sexual harassment consists of unwelcome and offensive sexual conduct, including advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- (1) Submission to that conduct or communication is made a term or condition, either expressed or implied, of obtaining or retaining employment or of obtaining an education; or

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- (2) Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an individual's employment or education or grades or participation in any school activities; or
- (3) Where that conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment.

Examples of sexual harassment include, but are not limited to, the following:

- (1) Uninvited and unwelcome comments or conduct of a sexual nature, or sexual abuse; (sexual abuse should be in its own category or at least listed out separately here – it is beyond what is traditionally defined as sexual harassment, as is number 7)
- (2) Subtle or direct pressure to engage in sexual activity;
- (3) Sexually inappropriate patting or pinching;
- (4) Intentional brushing against a student's or employee's or community member's body;
- (5) Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status or grades;
- (6) Any sexually motivated unwelcome touching; or
- (7) Sexual violence that is a physical act of aggression that includes a sexual act or sexual purpose.

b. Reporting Procedures

Students who believe they have experienced an act of harassment or discrimination by another student, employee, or community member should report the matter immediately to a staff member. The school principal or person acting for the principal shall investigate the issue and advise the EEO (full out) Office. In addition, students may also report the incident to the EEO Office directly and may also report the incident to an outside agency, e.g., the Municipality of Anchorage Equal Rights Commission, the Office of the Ombudsman, the Alaska State Commission for Human Rights, the U.S. Equal Employment Opportunity Commission, or the United States Office for Civil Rights (Department of Education?) It might be useful to include addresses and phone numbers. (Discrimination & Harassment Section Revised 6/25/01)

12. Disruptive Behavior

Any behavior ? What does this mean? that interferes with or disturbs the what does normal mean here? school program, the educational process, or the lawful activities of others is prohibited.

13. Disruptive Items (Radios, Tape Decks, Toys, etc.)

Hall lockers are not secure enough to store portable radios, walkmans, tape recorders, beepers, cellular phones, play back devices, TV sets, CD players, or other expensive items. Students who bring these items to school do so at their own risk. Use of these items in a manner that disrupts others or interferes with or disturbs the education of the student or others is prohibited. Additional restrictions may apply at individual schools regarding the possession or inappropriate use of frisbees, hackysacks, skateboards,

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basketballs, and other toys, electronic devices, or game equipment. Do you want to mention card games – this recently came up at Central!

14. Drugs and Alcohol

a. The actual or attempted sale, distribution, use, or possession of alcohol, illegal drugs or inhalants, drug paraphernalia, substances that look like illegal drugs or alcohol, or substances purported to be illegal drugs or alcohol, while the student is under the jurisdiction of the District is prohibited. Students who sell, attempt to sell, or use these substances off school grounds and who then arrive at, or return to, school or school-sponsored activities, will be subject to suspension and/or expulsion. The sale, isn't this the same as sale?, distribution or misuse of prescription drugs or look-alike prescription drugs is also prohibited.

Note: For students with identified disabilities, discipline for drug or alcohol violations must be consistent with state and federal law as described in Appendix B.

Cumulative Nature of Violations: A violation of the District's policy on Drugs and Alcohol will constitute a prior offense that will carry over from year to year and will subject the student to greater discipline for a later violation.

Sanctions:

(1) First offense for use or possession:

a) Ten (10) days suspension from school.

b) Referral to the Drugs/Alcohol Suspension Program. Students may reduce their suspension by up to five (5) days by meeting specific criteria for the program.

c) Required parent/guardian and student conference with the school principal or the person acting on the principal's behalf, prior to returning to school.

(2) Each subsequent offense for use or possession:

a) A violation occurring within (I would underscore or highlight the word WITHIN)the span of three full school years after the year a previous violation occurs will result in a recommendation to the School Board for expulsion from the Anchorage School District.

b) A violation occurring more than (I would underscore or highlight MORE THAN)three full school years after the year in which a prior offense occurred will be subject to progressive discipline, but not an automatic recommendation for expulsion.

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c) A school year is defined as July 1 to June 30. (is this going to change?)

(3) The first and any subsequent offense for the sale or attempted sale of prohibited substances will result in a recommendation to the School Board for expulsion from the Anchorage School District.

(4) At its discretion, the School Board may offer a program to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion from their current program. The Superintendent or person acting on the Superintendent's behalf shall establish eligibility criteria for participation by any student in any such program.

(5) The District may also refer any use, possession, or sale of drugs or alcohol, or any attempt, to the Anchorage Police Department.

b. Use or possession of over-the-counter drugs, prescription drugs prescribed to a student, vitamins, and other nutritional supplements is subject to control by the District. Such items must be given to the school nurse or designated staff person and used only under school supervision. Inhalers and similar medical devices may be kept and used by students with permission from the school nurse. Violations of this paragraph are subject to disciplinary action but are not subject to the cumulative violation policies described above.

15. Excessive Displays of Affection

Students may not engage in excessive displays of affection. Examples?

16. Extortion or Blackmail

Obtaining money or property by violence, threats of violence, false accusations, or public ridicule is prohibited.

17. Failure to Identify Self

All students in school buildings, on school grounds, or at school-sponsored events must, upon request, identify themselves to school district personnel or person acting on the District's behalf. This includes identification of the student's correct name, address, and parent contact number.

18. False Alarm/Bomb Threat

Activating or raising a false alarm, tampering with the fire alarm system, or knowingly making a false report of fire or other emergency is prohibited. Bomb threats and other threats of harm are also prohibited.

19. False Impersonation

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Students may not claim to be someone else with the intent to deceive school personnel, other students, or members of the community, or in connection with any school district activity or function.

20. False Information/False Witness/Lying

The presentation of information or testimony (oral or written) that is knowingly misleading, false, or knowingly misrepresenting facts, or an actual attempt to defraud or lie is prohibited.

21. Forgery/Cheating

Students may not make, alter, or possess a document that the student knows to be false or forged. Students may not claim the work of others as their own. . Cheating is prohibited..

22. Fighting/Physical Violence

Fighting is defined as the instigation or starting of violence or actual violence in which striking, kicking, shoving, pushing, and /or any other physical contact of a violent nature is used against another person. When two or more students are involved in any verbal or physical fight or altercation, all parties may be subject to suspension or expulsion. Active participation in a fight, beyond self-defense as defined below, may result in suspension even if it can be shown that a different person started the fight.

Note: For students with identified disabilities, discipline for serious bodily injury will be consistent with state and federal law as described in Appendix B.

Self Defense: A student may claim self-defense only if the student acted under a reasonable belief that action taken by the student to protect him or herself was necessary to avoid injury, and other alternatives, including means of assistance or retreat or escape, were not reasonably available. The student must use the minimum force necessary to escape injury. A claim of self-defense may be rejected if the force used in the alleged self-defense is greater than necessary to protect from the force used by the other person. A student who started the fight or altercation or who inappropriately provoked the other student's conduct may not claim self-defense.

Intervention: Physical intervention to stop a fight generally increases the risk of injury and is strongly discouraged.

Isn't this next sentence a different issue from intervention? Confusing right next to Intervention, I think

A person who participates in a fight is subject to long-term suspension or expulsion. Participation is different from intervention, so why use the word intervener?

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23. Fireworks/Explosives

The possession or use of fireworks, explosives and/or incendiary devices on school property is prohibited.

24. Inappropriate Sexual Behavior

Inappropriate sexual behaviors are prohibited. This includes, but is not limited to, undressing or attempting to undress a student, indecent exposure, and entering an opposite sex locker room or restroom facility.

25. Internet /E-mail or Network/ Computer Misuse

Students are required to use school computers, school or district networks, and the Internet system in an appropriate manner. Inappropriate use of computers, school or district networks, Internet, e-mail, ASD equipment, equipment used in ASD facilities, or at/for ASD events, may include, but is not limited to the following:

- Accessing, sending or displaying offensive messages or pictures
- Using obscene language
- Harassing, demeaning, defaming, insulting, threatening or attacking others
- Violating copyright laws
- Using another's password, impersonating another person
- Trespassing in another's folders, work or files
- Deliberately damaging hardware or software
- Employing the ASD or school network for commercial purposes
- Using district computers for illegal activities
- Plagiarism (this should be explained – passing off work done by someone else as one's own, or something like that)

Violations may result in a loss of computer, network, and e-mail privileges, withdrawal from or failing computer-related class(es), as well as other disciplinary or legal action including recommendation for suspension and/or expulsion.

26. Littering

Leaving or discarding trash anywhere except in an appropriate receptacle is prohibited.

27. Obscenity/Profanity

Students are to use discretion in their choice of language. Profane or inappropriate language or gestures will not be tolerated. Prohibited language includes spoken or written profanity and obscene or sexual messages (implicit or explicit this may require some explanation too).

28. Prohibited Organizations and Groups

a. Groups that start, advocate, or promote activities that threaten the safety or well being of persons or property on school grounds or at school activities and/or are determined to be detrimental to the educational program of the school are prohibited. Apparel, jewelry, accessories or grooming that implies or indicates a person is a member of a prohibited group (this may need to be clearer – gang signs, hate groups, for example? Some may not

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understand what is meant by prohibited group) is prohibited at school and at school activities.

b. Participation in activities such as initiation, hazing, intimidation or in activities designed to create group affiliation that can cause bodily harm r, or mental or emotional harm is prohibited.

c. Persons who display symbols of prohibited groups or who participate in activities identified with prohibited groups or who participate in activities that intimidate another student are subject to disciplinary action. Examples, including but not limited to...?

d. Groups that behave in the manner described in this section will be defined as gangs. Gang behavior is prohibited at school and school activities. Ok, see above – maybe this should go with a. above

29. Reckless or Unsafe Behavior

Any action that jeopardizes the safety and/or welfare of one's self or others is prohibited.

30. Smoking/Tobacco

Use, sale, or possession of tobacco in any form by students, including students who are 19 years of age or older, while under the jurisdiction of the Anchorage School District is prohibited.

31. Theft/Robbery/Possession of Stolen Property

Robbery, theft, attempted theft, or possession of stolen property by students will result in disciplinary action.

32. Threats

A student who willfully attempts or threatens to inflict injury on another person while under the jurisdiction of the Anchorage School District is subject to disciplinary consequences. A student threatening a staff member may be placed on emergency suspension with a possible recommendation for expulsion.

33. Trespass

A student may be considered to be trespassing if he or she enters or remains on school property or school sponsored activities without permission. During school hours, a student must have authorization to be on the property of a school where the student is not enrolled. Any student suspended or expelled from the Anchorage School District is not allowed on any school property or to attend at any school activity on or off school property, except that eligible students may attend those programs authorized by the School Board for expelled or long-term suspended students if the student is enrolled in that program. Suspended or expelled students may also attend a specific activity with the explicit written permission of the principal or assistant principal.

34. Vandalism/Destruction of Property/Pranks

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Removing, misusing, destroying, defacing, or mutilating objects or materials belonging to the school, school personnel, or other persons is prohibited. What about pranks and how are they defined? Pulling chairs from under students? Tripping? Etc?

35. Weapons and Firearms

Weapons and firearms: Students shall not carry on their person, or place anywhere on school property, or in the vicinity (what does vicinity mean?) of a school sponsored event, any firearms or other weapons, except as assigned by authorized personnel to students for, and used during, a regular course of instruction or authorized activity. If in a regular course of instruction or during an authorized activity, a weapon is used in an unauthorized manner, the student will be in violation of this provision. Students found with weapons, or look-alike weapons of any kind, while under the jurisdiction of the Anchorage School District are subject to suspension or expulsion and arrest.

Weapons include, but are not limited to, firearms*, pellet and BB guns, air guns, spring guns, zip guns, stun guns, shockers, bombs or other explosives, poison, dangerous or deadly gas, slingshots, bludgeons, throwing stars, knives, clubs, brass knuckles or artificial knuckles of any kind, numchucks and throwing weapons.

Note: For students with identified disabilities, discipline for possession of weapons must be consistent with state and federal law as described in Appendix B.

* Note: A “firearm” is defined as: (1) any weapon (including a starter gun) which will or is designed to, or may readily be converted, to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. A “destructive device” is an explosive, incendiary, poison gas, bomb, grenade, rocket, missile, or any other similar device. 18 U.S.C. § 921.

- a. Any student who is found by the District to have brought a firearm to a school, or a school related activity, will be expelled from school for a period of not less than one year.
- b. Any student who is found by the District to have brought a deadly weapon other than a firearm to school, or a school-related activity, will be suspended for a period of not less than 30 days.
- c. On a case-by-case basis, the Superintendent, may determine whether a lesser expulsion or suspension period is appropriate. This modification

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may include removal from the student's present school setting and placement in an alternative educational setting and/or program.

d. Reinstatement of the student to a school program will only be recommended by the Superintendent to the School Board after the student has met the conditions of reinstatement as follows: The student must submit a letter of application for reinstatement to the Superintendent that includes a statement from a Forensic Psychologist that the student will not pose a danger or threat to students or staff while attending classes or other school-sponsored activities.

After a full review of the reinstatement application, the Superintendent will make a recommendation to the School Board as to whether to reinstate the student and under what specific conditions the student may be reinstated.

e. Possession of a weapon other than a firearm or deadly weapon is prohibited and will result in disciplinary action.

36. Willful Disobedience

Students may not refuse or fail to comply with a reasonable request made by staff. In addition, a student may not disobey applicable rules that the student knows or should know. This includes, but is not limited to, classroom rules, rules for appropriate bus conduct, rules for use of the Internet and e-mail, and rules for extracurricular activities and athletics.

B. Search and Seizure

The following rules shall apply to search and seizure of students and school property assigned to them (e.g., lockers, desks):

a. All searches based on reasonable cause described in this section should take place in the presence of the student and a third person, unless the student's presence cannot be obtained within a reasonable amount of time under the circumstances, or if there is a threat to life or property. The search will be conducted in an organized manner that shows respect for the student and his or her possessions. At the discretion of the principal or the person acting on the principal's behalf, the Anchorage Police Department or other law enforcement authority may be called to conduct the search or seizure. In that case, any searches or seizures will be at the direction of the law enforcement officer, and the procedures in this section do not apply.

b. Lockers and desks:

Random Searches: The Anchorage School District administration retains control over lockers and desk space assigned to students. The District retains the right to conduct random searches of student lockers or desk space and their contents at any time. All lockers and/or desks may be searched, or a smaller number chosen by random selection may be searched. Notices of the right of the District to conduct this type of search are

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posted in prominent locations in each school. In addition, students will be notified at least once each semester that such searches will be conducted at the discretion of the school principal. The District may or may not, at its discretion, give prior notice that a random search will take place. The purpose of such a search is to determine student compliance with school regulations and local, state, and federal laws. The search will not be more intrusive than reasonably necessary to meet the objectives of the search. The search will be conducted in an organized manner showing respect for the student and his or her possessions.

Note: AS 14.03.105

Searches Based on Reasonable Cause: The school principal or the person acting on the principal's behalf has the right and duty to inspect and search a student's locker or desk and their contents if there is reasonable cause to believe that drugs; alcohol; weapons; dangerous, illegal, or prohibited matter; or stolen goods are likely to be found within the area searched. Reasonable cause to search will exist when, based on all the facts and circumstances known to the District there is cause to believe that the search will turn up evidence that the student has violated or is violating the law or the rules of the school. No search based on reasonable cause shall be conducted without attempting to inform the person possessing the property to be searched, except if the suspected possession poses threat to life or property. School authorities will make a reasonable effort to contact the student's parent or guardian to give the parents or guardians a reasonable opportunity to be present during the search.

c. Automobiles

The school principal or the person acting on the principal's behalf may search automobiles that are parked on school grounds if he or she wishes to establish whether drugs, alcohol, weapons, dangerous or illegal materials, or stolen goods may be located within the automobile. All students utilizing the privilege of parking on school grounds have consented to such a search under the terms and conditions of their Parking Permits. All vehicles parked on school grounds by a student, whether or not a permit has been obtained, may be searched when there is reasonable cause to believe that the items described immediately above may be located within the automobile.

d. Possessions and Outer Garments

The school administration has the authority to inspect and search the possessions (e.g., purses, gym bags, instrument cases) and outer garments (e.g., jackets, coats, shoes or boots) of students when the school principal has reasonable cause to believe that drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods are likely to be found. A search may be conducted if a school official has reasonable cause to believe that a violation of a school rule or local, state, or federal law has taken place. No probable cause or warrant is required before a search may be conducted. Any such search must be conducted in private by the school principal or the person acting on the principal's behalf and witnessed by a staff person. School authorities will make a reasonable effort to contact the student's parent or guardian to give the parents or guardians a reasonable opportunity to be present during the search. Searches will be limited to the examination of the contents of a student's possessions and outer garments, although a student may be

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requested to empty the pockets of other garments he or she is wearing e. Search of a Student's Person

If an Anchorage School District administrator have reason to believe that a student has drugs, alcohol, weapons, illegal or dangerous materials, or stolen goods concealed on his/her person, the administrator may conduct a search of the student's person. No such search may be undertaken unless, in the administrator's judgment, there is adequate information based on direct observation by school personnel or reliable information from third parties, that a student is likely to have prohibited material on his/her person.

Attempted parental contact is not required prior to the inspection, by sight or smell, of the student's breath or part of the body normally open to public view, such as the student's hand, arm, or face. Prior to beginning a search of a student's person, the student must be told the nature of the information against him/her, and reasonable efforts will be made by school authorities to notify the student's parent or guardian by telephone and permit the parent or guardian the opportunity to be present. The student, or the student's parent or guardian if present or reached by phone, will be asked for consent, the nature of the search will be specified, and the rights of the student and the possible consequences faced by the student will be explained. If consent is refused, the search procedure will be immediately halted, and the matter turned over to the police.

f. Administrative Searches

In situations of elevated concern for student safety or acts of vandalism, such as at dances or during the last few days of school, the administration may engage in random searches of automobiles entering school grounds or of the possessions of students entering school grounds . Advanced notice that the District will conduct this type of search shall be given. The search will not be more intrusive than reasonably necessary to meet the objectives of the search. Before search of an automobile or possessions, the student or driver may deny the search but will then be denied entrance.

g. Emergency Exception

For all types of searches described above, when an administrator has reasonable cause to believe, on the basis of information provided through direct observations by school personnel or others, that a student possesses any weapon or dangerous material which poses an imminent threat to life or property, he/she may authorize an immediate search of the student's person or possessions. In such a case, the student's parent or guardian will be notified by telephone of the search as soon as possible. No physical force may be applied during any search of the student unless there is an immediate threat of imminent danger to persons or property.

h. Seizure and Surrender of Items Found

Unlawful, prohibited, or stolen items found during the search may be turned over to the Anchorage Police Department or used in school disciplinary proceedings. School authorities may temporarily seize items that disrupt or interfere with the educational process. Items seized that are not kept for disciplinary proceedings or retained by the police shall, upon request made within ten days, be returned to the parent or guardian.

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C. Freedom of Speech and Assembly

a. Students are entitled to express their personal opinions in a manner that does not interfere with the freedom of others or violate these policies or school rules (repeats these policies or school rules?). Obscenity and defamation are prohibited.

b. Students have the freedom to assemble peacefully. There is an appropriate time and place for such assemblies. Meetings of school-sponsored organizations or student clubs on school property shall be conducted at times and places approved by the principal or a person acting on the principal's behalf. Conducting demonstrations or meetings that interfere with the educational process or the lawful activities of others is prohibited.

1. Freedom of Symbolic Expression

a. Student dress code: It is the goal of the District to ensure that every student has a safe environment in which to learn. Each student shall attend school clothed in a manner that is clean, not hazardous to the safety of him or herself or others, and that does not detract from or disrupt, the educational environment. Clothing worn by students that in the reasonable opinion of the school administration is inappropriate is forbidden. Such clothing includes, but is not limited to, the following:

- Clothing that promotes gang affiliations;
- Clothing that promotes violence, discrimination or racism, or the use of tobacco, drugs, alcohol or weapons;
- Clothing that is revealing or has comments or designs that are obscene, lewd, or vulgar;
- Clothing that presents a hazard to the student's safety or the safety of others;
- Clothing that causes distractions or inhibits the learning process.

An individual school may list in its student handbook other school rules for clothing consistent with this policy. Students who do not follow the rules will be excluded from school until such time that they cease wearing the clothing or items to school or school events.

b. Buttons and armbands: Students may wear or display buttons, armbands, flags, decals and other badges of symbolic expression, unless the manner of expression materially or substantially interferes with the orderly process of the school or the rights of others. Items that are associated with gangs are deemed in and of themselves to substantially interfere with the orderly process of the school.

c. Patriotic assembly: A student may choose not to participate in the pledge or salute if he/she desires. A student who chooses not to participate must maintain a respectful silence and may not be disruptive while others are reciting the pledge.

AS 11.81.900(b)(56)

2. Written Material and Electronic Media

These rules govern distribution of all written material and electronic media. The school principal or the person acting on the principal's behalf shall be entitled to examine

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materials before they are distributed to determine whether they would disrupt the orderly educational process or violate district policy.

a. Generally, the restrictions and regulations governing responsible journalism, as defined by the American Society of Newspaper Editors (ASNE), should be applied to District student publications with the clear understanding that school officials have the authority and duty to provide for an ordered educational atmosphere free from turmoil and distraction. Material that promotes gang activity is prohibited.

b. Students are entitled to express in writing their personal opinions but are expected to exercise responsibility and good judgment. The distribution of such material may not interfere with or disrupt the educational process. A written expression of opinion must be signed by its author except that editorials representing a newspaper position may be printed without signature if all members of the editorial board are identified elsewhere on the paper. (Note School Board policy 490.13)

c. Students have the right to distribute leaflets, newspapers, and handbills at times and places as determined by the school principal or designee. The students who edit, publish or distribute such leaflets, newspapers, and handbills among their fellow students assume the responsibility for the content of such publications. Non-school publications being distributed on school property may be seized by the school principal or designee who has reasonable cause to believe that such publications contain libelous or obscene material. Seized publications will be turned over to the parent/guardian upon request unless the publication is defamatory, obscene, invades the rights of others, or similar good cause.

<p>Note: Copies of the ASNE Statement of Principles are available in the school office and the school library.</p>
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d. Commercial solicitation not authorized by the Superintendent or any person acting on the Superintendent's behalf will not be allowed on school property at any time. This includes the use of the school district's computer network to solicit sales or conduct business or to set up web pages to advertise a sale or service. An exception to this rule will be the sale of non-school-sponsored student newspapers published by students of the school district. Non-school newspapers may be distributed only at times and places as determined by the school principal or any person acting on the principal's behalf..

e. Students have the right to do necessary research for articles, including public opinion polls, and shall have the responsibility not to abuse that right. A poll must not interrupt class time unless authorized by the school principal or any person acting on the principal's behalf.

D. Student Surveys

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The District may conduct or administer surveys of students for the purposes of study, the improvement of education, or class assignment. No student may be required to participate in a questionnaire or survey if the student objects to participation.

Requirements for Parental Permission: In administering surveys or questionnaires in the schools, the District shall comply with state and federal laws concerning parental permission.

Note: No survey or questionnaire, whether anonymous or not, that inquires into personal or private family affairs of the student not a matter of public record or subject to public observation may be administered, unless written permission is obtained from the student's parent or guardian (AS 14.03.110). In addition, no student may be required, as part of any program administered by the Secretary of Education, to submit to a survey, analysis, or evaluation which inquires into the following areas unless prior written permission is obtained from the parent. 20 USC 1232 (h):

1. political affiliations;
2. mental and psychological problems potentially embarrassing to the student or the student's family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating and demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or
7. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

Annual permission: Each year, the District may seek the permission of each parent/guardian for their child to participate in anonymous questionnaires or surveys. The permission will be valid for the remainder of the school year or until the parent/guardian who gave permission submits a written withdrawal of permission to the school principal.

(Section 14 – Revised 9/28/98)

(Section D – Revised 8/23/99)

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Notice: At least two weeks prior to the administration of a questionnaire or survey, whether anonymous or not, which requires parental permission as identified above, the school shall provide each student's parent or legal guardian with written notice explaining:

1. how and where the parent may preview the survey;
2. how the survey will be administered;
3. how the survey results will be used;
4. who will have access to the questionnaire or survey; and
5. for those surveys which are not anonymous, explain that written parental permission is required before their child may participate in the particular survey, and include a permission form to be returned by the parents, with instructions that the form must be returned at least two weeks before the survey is to be administered. The District will make available for inspection to interested parents or guardians any instructional or other supplementary materials that will be used in connection with any survey, questionnaire, or evaluation. Information gathered in student surveys may be disclosed to organizations conducting studies to develop, validate, or administer predictive tests; administer student aid programs; or to improve instruction. This information may be disclosed without parental permission provided: 1) the study is conducted in a manner that does not permit personal identification of parents and students to individuals other than those conducting the study; and 2) the information is destroyed when no longer needed for purposes of the study.

Types of Sanctions/Disciplinary Actions

1. Simple Discipline:

Simple discipline is defined as any disciplinary action against a student other than out-of-school suspension or expulsion. No simple disciplinary action shall be taken in such manner as to prevent a student from accomplishing specific academic grade, level, or graduation requirements. Simple disciplinary actions may include in-school suspension ("ISS"), the denial of the privilege to participate in school-sponsored extracurricular programs, social events and senior graduation ceremony. Prior to the imposition of simple disciplinary action, the student will be given written or verbal notice of his or her misconduct. The student will then be given an opportunity to present his or her side of what happened. This explanation and opportunity to present facts may take place immediately after notice of the charges is given to the student.

When simple discipline results in the denial of the privilege to participate in extracurricular programs, social events and senior graduation ceremony, the school principal shall try to notify the parent or guardian of the student by telephone of the

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pending charges against the student prior to imposition of this type of simple disciplinary action. The decision of the school principal will be provided in writing to the student and his or her parent or guardian. There is no right to a formal appeal of simple discipline, except that the denial of participation in senior graduation ceremony may be appealed as set forth in Hearing and Appeal Procedures. Simple discipline may be combined with a suspension or expulsion. In such instances, the disciplinary actions are treated as separate and distinct and the simple discipline may not be appealed, except for that discipline involving denial of participation in senior graduation ceremonies. This does not limit the right of a student to appeal a suspension or expulsion that is imposed in addition to the simple discipline.

Note: Additional Information Regarding Students with Disabilities and Short Term Suspensions Longer than 10 Cumulative Days, Long-Term Suspension of 10+ Days, or Expulsion

In the case of students with identified disabilities, an IEP Team and other qualified personnel must meet to review all relevant information and determine if the conduct in question was caused by, or had a direct and substantial relationship to the student's disability, or was the direct result of ASD's failure to implement the IEP. If it is determined the behavior is not related to the disability, then the student may be subject to the same discipline procedures applicable to students without disabilities, except that the student's special education needs as identified in the Individual Educational Plan can be provided in an alternative setting. If the conduct in question is related to the student's disability, the IEP team must meet to determine how the student's special education needs as identified in the Individual Educational Plan will be met in an alternative setting.

2. Short-Term Suspensions: This is the denial of the right to attend school either for a single class, more than one class, or any full schedule of classes for a limited period of time not to exceed five (5) school days.

a. Prior to a student being placed on short-term suspension, the student must be given written or verbal notice of the charges against him or her. If the student denies the charges, the student will be given an explanation of the evidence the school administrator has in sufficient detail to identify approximate time, place and nature of the charges. The student will then be given an opportunity to present his or her side of the case. This explanation and opportunity to present facts may take place immediately after notice of the charges is given to the student.

b. Notice to Parent/Guardian: The school administrator shall try to notify the parent or guardian of the student of the pending suspension by telephone and in writing. The student or his or her parent or guardian shall be provided written or verbal notice of the

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suspension prior to the time the suspension is to commence, unless emergency suspension procedures are required

Note: Parents of students with identified disabilities must be provided with notice of their procedural safeguards in accordance with state and federal law.

A student may appeal a short-term suspension under the process described in the Hearing and Appeal section below. The short-term suspension will be enforced immediately and the student shall remain away from school unless or until an informal hearing is requested. Upon receipt of a hearing request, the suspension will be delayed and the student shall be allowed back in school pending the informal hearing, unless the student has been placed on Emergency Suspension. Students with identified disabilities are also entitled to return to school pending this hearing.

c. A student on short-term suspension is encouraged to contact his or her teachers regarding daily class reading and assignments. A student will be allowed to complete, for credit, class work and assignments missed during the short-term suspension.

3. Long-Term Suspensions This is the denial of the right to attend any single class, more than one class, or any full schedule of classes for a stated period of time greater than five (5) school days.

a. The following limitations shall apply to all long-term suspensions:

(1) No student shall be suspended from an elementary school for more than forty-five (45) consecutive school days.

(2) No student shall be suspended from a secondary school for more than ninety (90) consecutive school days.

(3) A student on long-term suspension is encouraged to contact his or her teachers or counselor regarding daily class reading and assignments. However, a student on long-term suspension is not granted credit for work that is handed in or completed during class.

b. Notice to Parent/Guardian: When the school administrator, the Superintendent, or the person acting on their behalf recommends long-term suspension, a written notice shall be delivered by mail or in person to the student and his or her parent or guardian. An attempt to notify his or her parent or guardian by telephone will also be made. This notice shall include the following information:

(1) The specific charges against the student, in sufficient detail to identify the approximate time, place, and nature of the charges;

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- (2) The student's right to a hearing; and
- (3) The recommended sanctions.

Note: For students with identified disabilities, the written notice shall also include a copy of the Notice of Procedural Safeguards, and ASD must continue to provide educational services during any long-term suspension.

Within five (5) school days of receipt of this notice, the student and/or the student's parent/guardian may request a hearing in writing. If a request for hearing is not received within the five (5) day period, the student and his or her parent/guardian shall have waived his or her right to a hearing and will therefore not be entitled to a hearing. (clarifies the term "waived" for those who have difficulty with English) If a hearing is requested within the five (5) day period, it shall be held as promptly as possible after receipt of the request, and the procedures set forth in Hearing and Appeal Procedures, Section 2 will apply. The long-term suspension will be enforced immediately, and the student shall remain away from school unless or until a hearing is requested. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the suspension until the hearing, unless the student has been placed on Emergency Suspension as described below.

4. Expulsion: This is the denial of the right to attend school for an indefinite period of time, or for a period of time greater than a long-term suspension. The Executive Director of Instruction or the person acting on the Executive Director's behalf, will provide the student's parent or guardian information concerning educational alternatives and options available.

Notice to the student's parent or guardian: When the school administrator (does this mean principal? It is used interchangeably, if so, and if you mean principal, perhaps that should be consistent throughout?), or the Superintendent, recommends expulsion, a written notice shall be delivered by mail or in person to the student and his or her parent or guardian. An attempt to notify the student's parent or guardian by telephone will also be made. The written notice shall include the following:

- (1) The specific charges against the student, in sufficient detail to identify the approximate time, place, and nature of the charges;
- (2) The student's right to a hearing; and
- (3) The recommended disciplinary actions.

For students with identified disabilities, the written notice shall also include a copy of the Notice of Procedural Safeguards, and ASD must continue to provide educational services during any expulsion.

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Within five (5) school days of receipt of this notice, the student and/or the student's parent or guardian may request a hearing in writing. If a request for hearing is not received within the five (5) day period, the student and his or her parent or guardian shall have waived his or her right to a hearing and therefore will not be entitled to a hearing. If a hearing is requested within the five (5) day period, it shall be held as promptly as possible after receipt of the request, following the procedures set forth in the Hearing and Appeal Procedures. The student is not permitted to return to school until a hearing is requested. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the expulsion, until the hearing, unless the student has been placed on Emergency Suspension as described below.

Students expelled from other school districts, as well as from the Anchorage School District, may apply for admission or readmission to the Anchorage School District by written application to the Anchorage School Board.

- (1) Students must apply in writing and must document that they have met the conditions for return required by the Anchorage School District.
- (2) Additional conditions for admission may be required at the discretion of the Superintendent, a person acting on behalf of the Superintendent (who is currently "she"), or the School Board before considering whether or not a student will be admitted by the School Board.
- (3) Upon admission to school, conditions related to placement and attendance will be prepared in writing. Continued permission to attend school will depend on the student obeying these written conditions.

5. Emergency Suspension

A school may impose an emergency suspension if, in the judgment of the principal, the student poses an immediate and continuing danger, or a threat of disruption, to the educational process. In the event of an emergency suspension, the student is not permitted to attend school for the duration of the suspension, regardless of the appeal status.

6. Exclusion from School Property and Activities.

Students serving out-of-school suspension, or who have been expelled, may not be on school property and may not take part in school activities on or off school property. Exceptions to this rule may be granted in writing for specific activities at the discretion of the school principal or the assistant principal, subject to any reasonable restrictions imposed by the principal or the assistant principal.

7. Programs for Students on Long-Term Suspension or Expelled Students

The School Board may offer programs to provide educational instruction and other services to students who have engaged in conduct that has resulted in long-term suspension or expulsion. These continuation programs shall be as broadly available as possible, consistent with safety and budgetary considerations. (Section Approved 6/25/01)

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Hearing and Appeal Procedures

Additional appeals procedures that apply to students with identified disabilities are specified in Appendix B.

1. Short Term Suspensions

- a. After notification of the short-term suspension, the student or his or her parent or guardian may request an informal hearing. The request shall be in writing. The submission of a written request for a hearing shall delay further imposition of any remaining portion of the suspension, until the informal hearing. However, a student will not be allowed to return to school or be allowed to participate in school-related activities until a hearing if the student has been placed on Emergency Suspension. Failure to submit a written request for a hearing within five (5) days of the notification of the short-term suspension shall constitute a waiver of any right to a hearing and the student will therefore not be entitled to a hearing.
- b. The hearing shall be held as soon as possible after receipt of the written request and the hearing shall be held before an individual or disciplinary committee other than the individual who imposed the suspension.
- c. No persons other than the student, the parents or guardians, and the individual who imposed the suspension may appear at the hearing, unless the individual selected to hold the hearing, in his or her sole discretion and considering issues of confidentiality, allows other persons to be present as requested by the student or administration. In addition, the individual holding the hearing may allow those with knowledge of facts relevant to the suspension or simple discipline to attend the hearing to provide information .
- d. The decision of the person selected to hold the hearing will be announced in writing within two (2) school days after the hearing ends and that decision shall be final. There is no further right appeal from that decision.

2. Long-Term Suspensions, Expulsions and Simple Discipline Prohibiting Attendance at a Student's Senior Graduation Ceremony

- a. Imposition of discipline before a hearing and appeal take place: If a student or the student's parent or guardian requests a hearing in writing within five (5) school days, the suspension or expulsion shall be delayed until the hearing and the student may return to school. However, the long-term suspension or expulsion shall not be delayed until a hearing if the student has been placed on Emergency Suspension. In such instances, the student shall not be permitted to return to school or to attend related school activities, until the hearing and appeal process.
- b. The Hearing Officer: A hearing officer shall be appointed by the Superintendent or by a person acting on the Superintendent's behalf to conduct a hearing and make a

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recommendation to the Superintendent or to a person acting on the Superintendent's behalf. . The Hearing Officer shall consider the evidence presented and make a recommendation to uphold, reverse(or reject – see below), or modify the suspension or expulsion.

c. The following procedural guidelines shall govern the hearing:

(1) The parent or guardian and student may be present at the hearing and the student may be represented by legal counsel or other advocate.

(2) Two (2) school or work days prior to the hearing, the District will provide to the student all documentary evidence upon which it intends to rely.

(3) Both student and the District shall have the opportunity to present their versions of the relevant facts, submit the evidence upon which they rely, and bring forth witnesses. The student shall be allowed to observe all evidence offered against him or her. Both parties may rely upon written statements by witnesses. The District shall not be required to reveal the names of witnesses when doing so would subject the witness to the risk of retaliation or harm. Consistent with federal and state law, the District shall not disclose the contents of another student's records where such disclosure has not been authorized by the student's parent or guardian, or by the student, if he or she is at least 18 years old.

(4) The hearing will not be conducted according to technical court rules relating to evidence and witnesses. All relevant, not unnecessarily repetitious, evidence shall be accepted.

(5) All witnesses presenting testimony before the hearing officer shall be sworn to testify truthfully.

(6) The hearing officer shall make his/her recommendation solely upon the evidence presented at the hearing.

(7) A tape-recorded record shall be made of the hearing by the District.

(8) Within three (3) school days after completion of the hearing, the hearing officer shall provide a written recommendation to the Superintendent or a person acting on the Superintendent's behalf to uphold, modify, or ? reverse? (you have reverse above – stay with one word or the other – reject might be clearer)the long-term suspension or expulsion. The Superintendent or person acting on the Superintendent's behalf shall then make his/her determination and shall provide the student and parent or guardian with a written decision, which shall include a copy of the hearing officer's findings and recommendation, within five (5) school days after completion of the hearing.

(9) If the Superintendent or person acting on the Superintendent's behalf upholds or modifies a long-term suspension (was this intended? Expulsion as it goes on to

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discuss l/t suspension not expulsion?), so that the suspension time remains, the suspension will be enforced immediately upon receipt by the student and parent or guardian of the Hearing Officer's decision. However, the student shall be entitled to return to school if the student or his or her parent or guardian appeal the decision under the procedures set forth in this section, unless the student has been placed on Emergency Suspension.

d. The student and his or her parent or guardian shall have five (5) school days after receipt of the written decision to appeal the hearing decision to the School Board.

(1.) The request for appeal must be in writing.

(2.) The letter must describe the reason or reasons for appealing directly to the Board.

(3.) The reason or reasons for the appeal must be (couldn't it be either or both?) be that there was a substantial and significant misunderstanding of the facts, and/or that the student was not given due process as defined on page ? of this document.

e. The following procedural guidelines shall govern an appeal to the School Board:

(1) The Board or person or persons acting on the Board's behalf will schedule and hold a meeting to review the matter as promptly as possible after the receipt of the appeal. The Board shall notify the student and his or her parent or guardian at least three (3) school days prior to the scheduled meeting.

(2) At the meeting the student, his or her parent or guardian, or his or her spokesperson shall have the right to present oral and/or written arguments to the Board. The Board will only consider evidence that was submitted on the record during the hearing. However, the Board may also consider, at its sole discretion, any new evidence submitted by the student at the meeting that was not available at the time of the hearing.

The Board, in deciding the appeal, shall consider:

(A) Whether the decision was arbitrary or capricious; (this is a hard one to simplify but essentially B and C are the reverse of A – one could put here that the Board will consider whether or not the decision was based on the evidence presented, whether or not it was supported by that evidence, and whether or not it was fair and reasonable ? Just a thought)

(B) Whether the decision was supported by substantial evidence in the record; and

(C) Whether the disciplinary action was fair and reasonable in light of all circumstances.

(3) The Board, or person or persons acting on its behalf, shall issue a written decision within five (5) school days after the meeting. The Board may uphold, reverse (again, pick "reject" or "reverse" to reduce confusion), or modify the

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disciplinary action or recommendation. The student and his or her parent or guardian shall be provided with a written copy of the decision. The decision of the Board or person or persons acting on its behalf shall be final and binding (again, you might want to spell out what binding means, but I do not mean to get into the legal aspects of this document, just to ensure persons with limited English understand the implications).

f. Application for re-admission: Under no circumstances shall either a long-term suspension or expulsion prevent a student from submitting an application for re-admission prior to the termination of the sanction. This might be clearer if you just state that “Students who are on long-term suspension or who have been suspended have the right to submit an application to return to school at any time, including during the suspension or expulsion”. Applications for re-admission shall be submitted to the Superintendent. (Section Revised 6/25/01

(Statement of Rights And Responsibilities Revised 6/14/99)

(Statement of Rights And Responsibilities Revised 6/25/01)

Note:

DEFINITIONS

1) CONTROLLED SUBSTANCE: The term “controlled substance” means a drug or other substance identified under schedule I, II, III, IV, or V in section 202(c) of the Controlled Substances Act (21 USC 812 (c))0.

2) ILLEGAL DRUG: The term “illegal drug” means a controlled substance but does not include a controlled substance that is legally possessed or used under supervision of a licensed health-care professional or that is legally possessed or used under any other authority under that Act or under any other provision of federal law.

3) WEAPON: The term “weapon” has the meaning given the term “dangerous weapon” under 18 USC section 930 (g)(2) which means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that it does not include a pocket knife with a blade of less than 2 inches in length.

4) SERIOUS BODILY INJURY: The term “serious bodily injury” has the meaning given the term “serious bodily injury” under 18 USC 1365(3)(h) which means bodily injury which involves – (A) a substantial risk of death; (B) extreme physical pain; (C) protracted and obvious disfigurement; or (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

5) SCHOOL DAY: The term “school day” is defined as any day, including a partial day, that students are in attendance at school for instructional purposes. 34 CFR 300.309(c)(1).

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Appendix B

Students with Identified Disabilities

This Appendix is intended to describe protections and procedures under state and federal laws and regulations. It is subject to change without School Board action whenever there are changes to the law or regulations, whenever there are new court interpretations of those laws and regulations, or whenever there is no regulatory guidance related to those laws and regulations.

Students with identified disabilities are entitled to appeal suspensions of more than 10 school days under procedures that have been established under state and federal law. To appeal, the parents of the student may request a Special Education Due Process hearing in writing.

Once a hearing has been requested, a student with identified disabilities is entitled to continue to receive educational services consistent with state and federal law.

A student with identified disabilities may receive an out-of-school suspension and be without any educational services for up to ten (10) school days per school year unless the suspension is related to weapons or drug offenses or incidents involving serious bodily injury. The ten (10) days may be consecutive or at different times of the school year.

If a student with identified disabilities receives an out-of-school suspension for eleven (11) or more days during any one school year, this will constitute a change of educational placement for the student and will require procedural safeguards as provided under state and federal law.

An IEP (full out) team can change the placement of a student with a disability without agreement from a parent or guardian or without the order of a hearing officer or court, for a period of time up to forty-five (45) school days under certain circumstances as provided under state and federal law. Such circumstances include violations of school policies involving weapons, drugs, or serious bodily injury. A change of placement means that the student is still receiving special education and related services under the student's IEP but the services are being provided in an alternative educational setting.

Note: The following disciplinary procedures are subject to the provisions of IDEA (full out) as amended in 2004 as follows:

- A. Anchorage School District personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student with a disability who violates a code of student conduct (has code of student conduct been explained elsewhere? Do you mean all these responsibilities plus those of any individual school? Maybe this could be a bit clearer?).

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B. School personnel may remove a student with a disability who violates a code of student conduct (same here) from their current placement to an appropriate interim alternative educational setting, another setting, or suspend the student, for not more than ten (10) school days (to the extent that such alternatives are applied to students who do not have disabilities).

C. If school personnel seek to order a change in placement that would exceed ten (10) school days and the behavior that caused or resulted in the violation of the code of student conduct (if this is the same term intended, I really would stick to the same language but be clear about what it means) is determined not to have resulted from the student's disability ("manifestation" determination), the relevant disciplinary procedures that apply to students without disabilities may also be applied to the student with disabilities in the same manner and for the same duration, although any resulting discipline may be provided in an temporary or interim alternative educational setting, as provided under the IDEA.

Appeal Process for Students with Disabilities

In accordance with the IDEA as amended in 2004, the parent of a student with a disability who disagrees with any decision regarding placement or a determination that the behavior was not caused by or did not result from the student's disability ("manifestation determination") (I understand the importance of the work manifestation, but few parents with limited English will understand that term) or may request a due process hearing that follows the procedures set forth under the IDEA and applicable Alaska law. Similarly, the Anchorage School District may request a hearing if it believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Students with identified disabilities are entitled to continuation of educational services unless an exception described below applies to that student. IEP (full out) and 504 (full out) teams will meet and provide parents with Prior Written Notice to identify changes to the student's IEP or 504 plan when those changes require the procedural safeguards provided under IDEA and 504. Under those procedural safeguards, a parent can challenge the changes in a due process or 504 hearing. The hearing will be conducted by an independent hearing officer.

Notice: Students with identified disabilities may use IDEA/504 due process hearing procedures to appeal a suspension of more than ten (10) school days as provided under the IDEA or Section 504.

Note: IDEA 2004 amendments provide a procedure for "manifestation determinations" (explaining this legal term perhaps in parentheses, may be very helpful for parents with limited English, and indeed for all parents with a child experiencing a

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disability) for changes of placement because of violation of student conduct as follows:

IN GENERAL: Within ten (10) school days of any decision to change the placement of a student with a disability because of a violation of a code of student conduct (violation of this policy? Again, has this been defined adequately as what these rights and responsibilities contain?), the Anchorage School District the parent or guardian, and relevant members of the IEP Team shall review all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information provided by the parents or guardian to determine:

- 1) If the conduct in question was caused by, or had a direct and substantial relationship to, the student's disability – perhaps this language would be useful above everywhere the document refers to the manifestation determination? (that is, was a manifestation of his or her disability); or
- 2) If the conduct in question was the direct result of the local agency's (what is meant by "local agency"? I would spell out) failure to implement the IEP.

MANIFESTATION: If the Anchorage School District the parent or guardian, and relevant members of the IEP Team determine that either subclause (1) or (2) above is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.

DETERMINATION THAT THE BEHAVIOR WAS A MANIFESTATION: If the Anchorage School District the parent or guardian, and relevant members of the IEP Team make the determination that the conduct was a manifestation of the student's disability, the IEP Team shall:

- (1) Conduct a Functional Behavioral Assessment and implement a Behavioral Intervention Plan for the student, provided that the Anchorage School District had not conducted such assessment before such a determination before the behavior that resulted in a change in placement. This is not very clear????????????? Do you mean did not already do a FBA before the behavior that resulted in the change of placement? If so, there's a repeated line here somewhere
- (2) In the situation where a Behavioral Intervention Plan has already been developed, the IEP team shall review the Behavioral Intervention Plan and modify it, as necessary, to address the behavior, and
- (3) Except under "special circumstances" described below, the IEP team shall return the student to the placement from which the student was removed, unless the parent or guardian and the Anchorage School District agree to a change of placement as part of the modification of the Behavioral Intervention Plan.

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SPECIAL CIRCUMSTANCES: School personnel may remove a student to an interim or temporary alternative educational setting for not more than forty-five (45) school days whether or not the behavior is determined to be a manifestation of the student's disability, in cases where a student:

- (1) Carries a weapon to school or possesses a weapon at school, or carries or possesses a weapon on school premises, or carries a weapon to an Anchorage School District function or possesses a weapon at an Anchorage School District function;
- (2) Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at an Anchorage School District function; or
- (3) Has inflicted serious bodily injury upon another person while at school, on school premises, or at an Anchorage School District function.

NOTIFICATION: Not later than the date on which the decision to take disciplinary action is made, the Anchorage School District shall notify the parents or guardian of that decision and of all procedural safeguards provided under the IDEA.

DETERMINATION OF SETTING: The interim or temporary alternative educational setting shall be determined by the IEP Team.

DETERMINATION THAT THE BEHAVIOR WAS NOT A MANIFESTATION: If school personnel seek a change in placement that would exceed ten (10) school days and the behavior that resulted in the violation of the student code of conduct (again, same words should be used, but is this really the rights and responsibilities we are referring to?) is determined not to be a manifestation of the student's disability, the relevant disciplinary procedures that apply to students without disabilities may be applied to the student with disabilities in the same manner and for the same duration ,except that the student with disabilities will continue to receive special education and related services under the student's IEP but in an alternative educational setting as determined by the IEP team.

HEARING OFFICER'S AUTHORITY UNDER IDEA AS AMENDED 2004:

- 1) **IN GENERAL:** A hearing officer shall hear, and make a determination regarding, an appeal.
- 2) **CHANGE OF PLACEMENT ORDER:** In making the determination on appeal, the hearing officer may order a change in placement of a student with a disability. In such situations, the hearing officer may

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- a) Return a student with a disability to the placement from which the student was removed; or
 - b) Order a change in placement of a student with a disability to an appropriate interim or temporary alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of the student is substantially likely to result in injury to the student or to others.
- 3) PLACEMENT DURING APPEALS: When an appeal has been requested by either the parent or the Anchorage School District :
- a) The student shall remain in the interim or temporary alternative educational setting until the decision of the hearing officer, or until the expiration of the time period provided for deciding the hearing, whichever occurs first, unless the parent and the Anchorage School District agree otherwise; and
 - b) The State (of Alaska's Dept of Ed?) and the Anchorage School District shall arrange for an expedited hearing, which shall occur within twenty (20) school days of the date the hearing is requested. A determination shall be made within ten (10) school days after the hearing.
 - c) IDEA authorizes a hearing officer to place a student in an appropriate interim or temporary alternative educational setting for dangerousness if there is a substantial likelihood of injury to the student or others if the student remains in his or her current placement. Such placement may be ordered for up to forty-five (45) days at a time.

The standards for determining dangerousness provide that a hearing officer may order placement in an interim alternative educational setting for not more than forty-five (45) days if the hearing officer:

- 1) Determines that ASD has demonstrated by substantial evidence that maintaining the student's current placement is substantially likely to result in injury to the student or to others;
- 2) Considers the appropriateness of the student's current placement;
- 3) Considers whether the public agency (who is that? It should be explained more clearly) has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of additional aids and services;
- 4) Determines that the interim or temporary (if that is what is meant by interim?) alternative educational setting proposed by school personnel who have consulted with the student's special education teacher, meets the requirements of the IDEA and applicable regulations.

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PROTECTIONS FOR STUDENTS NOT YET ELIGIBLE FOR SPECIAL EDUCATION AND RELATED SERVICES

1) IN GENERAL: A student who has not been determined to be eligible for special education and related services who has engaged in behavior that violates a code of student conduct (again, do we mean these rights and responsibilities?) may request ? ask for? any of the protections provided for in Appendix B if the Anchorage School District knew (and what the District knew is determined in accordance with this paragraph) that the student was a student with a disability before the behavior that resulted in the disciplinary action occurred.

2) BASIS OF KNOWLEDGE: A local educational agency knew or (what is that? A school?) shall be deemed to have had knowledge that a student was a student with a disability if, before the behavior that resulted in the disciplinary action occurred:

a) The parent or guardian of the student expressed concern in writing to supervisory or administrative personnel at the Anchorage School District or to a teacher of the student, that the student was in need of special education and related services;

b) The parent or guardian of the student requested an evaluation of the student as provided under the IDEA;

c) The teacher of the student, or other personnel at the Anchorage School District expressed specific concerns about a pattern of behavior demonstrated by the student directly to the Director of Special Education at the Anchorage School District or to other Anchorage School District supervisory personnel.

3) EXCEPTION: The Anchorage School District shall not be deemed to have knowledge that the student is a student with a disability if the parent or guardian of the student has not allowed an evaluation of the student as provided under the IDEA or has refused services under this part, or the student has been evaluated and it was determined that the student was not a student with a disability.

4) CONDITIONS THAT APPLY IF THERE IS NO BASIS OF KNOWLEDGE:

a) IN GENERAL: If the Anchorage School District does not have knowledge that a student is a student with a disability as described above prior to taking disciplinary action against the student, the student may be subjected to disciplinary action that is applied to students without disabilities who engaged in comparable behaviors.

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b) LIMITATIONS: If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary action under this subsection, the evaluation shall be conducted in an expedited (as soon as possible?)manner. If the student is determined to be a student with a disability, taking into consideration information from the evaluation conducted by the agency (who?) and information provided by the parent or guardian , the Anchorage School District shall provide special education and related services, except that, until the results of the evaluation, the student shall remain in the educational placement determined by the Anchorage School District.